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AN

MEMOIRS

BY

GENERAL WILKINSON.

VOL. II.

MEMOIRS

OF

MY OWN TIMES.

BY

GENERAL JAMES WILKINSON.

——— Remember that the ways of Heaven,
Though dark, are just: that oft some guardian power,
Attends unseen, to save the innocent!
But if high Heaven decrees our fall—O let us
Firmly await the stroke; prepared alike
To live or die.

BROWN'S BARBAROSSA.

For patriots still must fall for statesmen's safety,
And perish by the country they preserve.

SAVAGE.

IN THREE VOLUMES.

VOL. II.

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MEMOIRS

BY

GENERAL WILKINSON.

CHAPTER I.

CHAP. I.

Reflections produced by the persecutions of General Wilkinson—Their origin ascribed to the honourable John Randolph.—His motives, character and conduct.—Challenges Mr. Dana, and insults the House of Representatives.—Association with Daniel Clark of New Orleans.—Accuses General Wilkinson, who is tried, acquitted, and ordered to command on the Mississippi.—The intrigues of Daniel Clark, D. W. Coxe, and J. Randolph.—They frighten Mr. Madison, who, to preserve his popularity, recals Wilkinson from command.—He arrives at Washington.—Appeals to the House of Representatives.—Is treated with neglect.—His conduct investigated by double committees of the House of Representatives.—Their reports.—Congress adjourns.—Correspondence with the Secretary of War.—Conduct of President Madison.—Congress meets.—New committees appointed to continue the investigation of General Wilkinson's life, character and conduct.—Their reports referred to the President.—Propositions to General Wilkinson by the Secretary of War, rejected.—Conference with the Secretary of War.—Various projects without a conclusion.—Reflections on the conduct of the President and the Secretary.—A general court martial resorted to.—Charges and plea.

BEFORE I open the particular subject of this volume, it is proper I should develope the source of those persecutions, which have terminated in the ruin of my military fortune, and, what is of more importance to the citizens

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Reflections produced by the persecutions of General Wilkinson.

of the United States, have verified Baron Montesquieu's anathema against republics. But prefatory to this enquiry, I will solicit the attention of the reader to a few brief reflections, the necessary result of these facts; they may present a salutary warning to my fellow-citizens, and to my country—to that country, for which I have lived, and for which I am ready to die.

If personal ingratitude stands first on the catalogue of human vices, surely, public ingratitude must be ranked among the grossest violations of political morality, with this important distinction, that whilst the first blights individual reputation only, the last deforms the national character. If public services and public rewards should be commensurate—if the first be a patriotic duty, and the last an obligation of gratitude, whoever attempts to subvert these essential principles of the social pact, strikes at the basis of public confidence, and aims a mortal blow at private virtue, and political justice, which form the strongest ligaments of republican institutions; for when private virtue is banished, her associate will follow, and avarice and ambition, the fruitful sources of corruption, will seize upon the heart, and take possession of the community. Should enquiry be made, whether the fair fame of this young nation, has been sullied by such an atrocious deed? my readers need only call to mind, the mode adopted for the reduction of the late army, and the painful truth will excite a blush for President Madison and his counsellors, who, to gratify personal animosities, and promote a venal selfish policy, have sacrificed the public weal, rent the hallowed bonds which connected the citizen and the state, and introduced a precedent, which inflicts deep and deadly wounds on the confidence and patriotism of the soldier.

Animal courage, mistaken for military skill.

Without respect to rank or character, merits or qualifications, they have interpreted mere animal courage, and the prodigal sacrifice of human life, into the consummation of military skill; and to divert public scrutiny from their own conduct, and screen themselves from merited reproach, they consented to receive the blood-stained lists, of our slaughtered countrymen, as passports to

the pinnacle of fame; whilst the hoary veteran, and the war-worn soldier, whose lives had been spent in the military service of the country, were, under *false pretexts and affected sensibility*, discarded to make way for the favourites of fortune; yet these are the men who presume on popular favour, pretend to public honours, and solace themselves with the prospect of uninterrupted power, as the mean of continued corruption; *until executive influence and patronage shall leave to the people, the forms of the constitution only.*

Reflections on the culture of letters, and the civic arts.

Reviewing these scenes of injustice and inhumanity, the philanthropist weeps over the frailties of man, and averting his eyes from the agitations and strife, the intrigues and ambition, which menace the happiness of his country, he places all his hopes in the culture of letters and the civic arts, for the amelioration of the sad condition of his fellow-creatures; but it is in vain we expect to soften and amend the heart, by expanding the intellect unaccompanied by a sense of religious obligations; the arts and sciences enlarge the understanding and refine the taste, but they neither smooth asperities of temper, nor excite kindly propensities; indeed, by extending the sphere of our appetites and inclinations, without the salutary restraints of religion and morality, which are inseparable, if we may judge from practical life and living examples, they rather stimulate the lusts of the flesh, than chasten the affections of nature. It will be seen in my own particular case, that in the 19th century, I have been sacrificed to angry passions and ambitious intrigues; and that my uniform zeal in the public cause has been repaid by persecutions, which sprang up out of frivolous incidents, to which I was not a party, and unlooked for events, over which I had no control.

I can distinctly trace the source of my persecutions, for the last eleven years, to the celebrated John Randolph of Roanoke, who is entitled to all the credit, to be derived from the cunning, zeal, perseverance, and perfidy, displayed in his complottings against the character of a

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General Wilkinson's persecutions traced to the hon. John Randolph.

man, whom he feared and hated; and, even now, after President Madison has consummated the first wish of his heart, when I can no longer be an object of envy or jealousy to any body, Mr. Randolph cannot forbear the vindictive triumph of cowardice, and from his "*vantage ground,*" still exerts his puny efforts to mangle my reputation: betraying, in the true spirit of his boasted ancestry,* a propensity to scalp the dead, for which only, he is qualified.

Mr. Randolph's prejudices against military men, have been variously accounted for, by some they have been imputed to envy, by others to jealousy, and by a third party to an illiberal spirit of rivalry; but for my part, I ascribe them to the castigation, which he provoked from a military officer, pending the session of Congress 1797–8, whilst Mr. R. was still a *beardless youth;* the incident cannot be forgotten, by the adults of Philadelphia, because it happened at the theatre, made a great noise, and produced a Congressional enquiry which terminated without consequences, *the officer retaining his commission, and Mr. Randolph his stripes;* at the period of this occurrence, I was engaged on the western frontier, where, with the exception of a short interval, I continued until the spring, 1804, when my public duties recalled me to the seat of government, and there it was my misfortune to meet Mr. Randolph, from the vortex of whose malevolence, it was impossible I should escape.

Mr. Randolph challenges several eastern members.

The Yazoo question, and Judge Chase's trial, which agitated the Eighth Congress, so entirely occupied the *feverish faculties* of Mr. Randolph, that he did not disturb me with overt attentions, during that session; but being emulous of a *chivalrous character,* he excepted to certain expressions which fell from gentlemen in the warmth of debate, and *challenged* several eastern mem-

* I have understood Mr. Randolph traces his lineage, to the Indian princess Pocahuntus of Appamatox, but it is possible he may be descended from the Shawanoes, who are most remarkable for barbarity, cunning and perfidy, and Mr. R. more strongly resembles that nation, than any other of the Aborigines within the limits of the United States.

bers to *single combat*, who, *he well knew*, were insuperably opposed to the Gothic appeal, by principle and education. The honourable Mr. Dana, of Connecticut, was distinguished by Mr. Randolph's *war-cry* on this occasion; approaching him in his seat on the floor of Congress, he insulted the national representatives, by audibly menacing Mr. Dana in the face of the whole house, yet did not attempt to carry his threats into execution. I was a witness of the scene I have described, and retired from it with indignation and disgust.

Menaces Mr. Dana, and insults Congress.

Pending the following session of Congress, Mr. Randolph found himself more at leisure, and without a shadow of provocation on my part, for I had never wronged him, he wantonly attacked my name and character, and thenceforward seized on every occasion to misrepresent my conduct; and from *the floor of Congress*, to assail me in language which would have been disowned in the most vulgar haunts of society. Unoffending, absent, and defenceless, I became the favourite theme of this American *Thersites*,* who, regardless of decency, or truth, or justice, marked me as the victim of his calumnies, and covered me with obloquy,—conscious, that by these excesses, he had offended beyond excuse, and, that by groundless assertions he had committed his character for veracity, he sought to shelter himself "*per fas aut per nefas*," under my dishonour. To accomplish this object, he directed his views to Colonel Burr's conspiracy, and at the commencement of that gentleman's trial, presented

His conduct at Col. Burr's trial.

* "*Thersites only clamour'd in the throng,*
"*Loquacious, loud, and turbulent of tongue;*
"*Aw'd by no shame, by no respect controul'd,*
"*In scandal busy, in reproaches bold:*
"*With witty malice, studious to defame;*
"*Scorn all his joy, and 'triumph' all his aim.*
"*Spleen to mankind his envious heart possest,*
"*And much he hated all, but most the best.*
"*Long had he lived, the scorn of every Greek,*
"*Vext when he spoke, yet still they heard him speak.*
"*Sharp was his voice; which in the shrillest tone,*
"*Thus with injurious taunts attacked the throne.*"

Pope's trans. Homer's Iliad, book ii.

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himself in court, at Richmond, where he almost volunteered his services for the grand jury, to supply the place of a gentleman,* who had been excepted to by the prisoner; yet, having frequently denounced Colonel Burr, Mr. Randolph was obliged to acknowledge his prejudices, but added, *he could render him justice*, and was accepted, I verily believe, on account of his known hostility to me; because, it was well understood, I should occupy a conspicuous place on the trial.

He is exposed.

At the head of this inquest, Mr. Randolph laboured to effect his purpose, by presenting me for misprision of treason, on the ground that I had concealed from the President, General Dayton's association with Colonel Burr, notwithstanding I had, several months before, put the President in possession of the fact; heretofore, Mr. Randolph had confined his slanders to the floor of Congress, but, being exasperated by the failure of his attempt to disgrace me by an indictment, *he abandoned the ground of privilege*, and let drop certain aspersions which *obliged* me to strip him of the lion's skin he had so long worn, to the annoyance of the House of Representatives, and to "UNMASK THE BULLY."

Characteristics of Messrs. Randolph and Clark, with anecdotes of the latter.

Mr. Randolph, like most of his species, is by nature timid, yet, understanding the value of courage to the *shadow* of a *man*, he had contrived to acquire the reputation of *a professed duellist*,† which, though in general, a symptom of cowardice, serves to *frighten women and children*, and *men of weak nerves*. He is not susceptible of *shame* or *remorse*, but is exceedingly sensible to the stings of *wounded vanity*. *Degraded*, from the character of a BRAVADO, *and outlawed in honour*, by the exposure he had forced from me, he sought in the bosom of sympathy, the only *redress suited to his taste*, and in Mr. Daniel Clark, of New Orleans, he found a congenial spirit, every way qualified for his purpose—a man! soaring

* It is believed, the present Governor Nicholas, or the honourable Mr. Giles.

† In the course of his argument on Judge Chase's trial, Mr. Randolph, in contrasting the obligations of law with the impulse of feelings, vindicated duelling.

above *vulgar prejudices*, and distinguished for political depravity and moral turpitude.* This gentleman who had always been my professed friend and obsequious servant, as his correspondence will testify, was suddenly converted into a remorseless enemy, and the world remains to be informed, of the causes of this sudden revolution in the conduct of Mr. Clark. 'Tis true, his connexion with Colonel Burr, has been proved, by the strongest circumstantial evidence, and is credited by the candid part of society; but the embers of *traitorous revenge*, which lay smothered in his bosom, were blown into a flame, by incidents, which it has become my duty to explain, however delicate the task. CHAP. I.

Mr. Clark, by intrigue and management, had effected his election to Congress, from the state of Louisiana, in the year 1806, and on his arrival at the seat of government, he contrived to impose himself, as a man of rank, family, and boundless fortune, who had sacrificed the advantages of a title, to the religion of his ancestors; and he supported the imposture, by liberal donations and ostentatious charities, which gave him great celebrity; his apparent worth recommended him to his political sect, and his *affected* gallantry to the fair sex; and, in 1808, Mr. Clark was as conspicuous in the city of Washington, as the imposters De Crillon and De Graff became afterwards, in 1812.

In November, 1807, whilst Mr. Clark was running this career, and receiving the homage of distinguished characters, I visited Annapolis, accompanied by Doctor Carmichael, of the Mississippi territory, and Captain Murray, of the army. At this time, trusting to Mr. Clark's professions and deportment, I had no cause to doubt the sincere attachment which he avowed; he had attended Mr. Burr's trial, at Richmond, on the summons of the prisoner—had waited on me, at that place—professed he knew not for what he was summoned, and Conversations respecting Mr. Clark, alluded to.

* See the depositions of George Mather esq. p. 103.—Colonel Wm. Wikoff, p. 104.—James Mather esq. Appendix, No. XXV.—H. P. Nugent, No. XXVI.—Thierry, No. XXVII.

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did not appear before the court; but the style in which he was spoken of, at Annapolis, excited the astonishment of my companions, who had known him eight or ten years, and were well acquainted with his *real character* and *circumstances;* from his riches, the conversation glided to his personal merits and accomplishments; and when mention was made of his gallantry, and the havoc he was making among the hearts of our charming countrywomen, it produced some pleasantry from these gentlemen, which did not appear designed to injure Mr. Clark, yet, would not have recommended him. During this visit, I dined with one of the most distinguished and respectable characters of our country, who, after tea, took occasion to ask me, whether I knew Mr. Clark, of New Orleans, and proceeded to enquire into his circumstances. Not knowing at the time, that Mr. C. was, even, an acquaintance of the family, I was struck by the enquiry; and from my knowledge of his habits of finance,* it occurred to me, that he had borrowed, or was about to borrow, money from the enquirer, for whom I had, since the year 1775, cherished an undeviating respect and attachment, and, of consequence, I felt it my duty to satisfy his enquiries; but, not before I had adverted to my standing with Mr. C., to the delicacy of the subject, and the propriety of treating it confidentially, which was acquiesced in. I then stated, with great candour, that Mr. Clark had inherited a cotton estate from an uncle, which, with judicious management, would produce a revenue of $12,000 per annum; that I possessed no further knowledge of his circumstances, but that, he was a merchant of great enterprise, and, that I had, the preceding month of March, been offered, in New Orleans, his note at nine months, on a discount of about one-third. The gentleman, with whom I was conversing, remarked, that this was "*a very bad sign,*" and nothing further was said; it is proper to observe, that a third gentleman was in the room, who in the course of the conversation, drew near and attended to what passed.

* Borrowing from A to pay B.

Soon after this visit to Annapolis I arrived at Washington, and, to my surprise, learned that Mr. Clark was addressing a very young, and charming daughter of the third gentleman, to whom I have alluded, which caused me unfeigned concern, not only for the interesting object of his attentions, and the ancient and honourable family with which he sought an alliance, but also, lest he should be informed of the conversation which had casually occurred at Annapolis, and be led to misinterpret my motives; a few days after I was advised this had taken place, and that Mr. Clark was highly incensed, I however called on him accompanied by Doctor Carmichael, and was coolly but politely received, he was describing a tract of country in Louisiana, to a Mr. Chew of Maryland, on a chart spread before them, and made reference to me concerning its merits.

Clark's letters, of the 2d and 5th Jan. 1808, referred to.

The association of Mr. Clark, to avenge the indignity offered to his friend Mr. Randolph, is sufficiently proven by the mummery exhibited in the House of Representatives, when I was accused by the latter; but, for a more complete developement of the horrible plot, I shall refer the reader to Mr. Clark's letters, of the 2d and 9th of January, 1808, to his *employé* Thomas Power, in which he describes with great perspicuity and precision, the motives of the attack against me, and the management of the confederacy.* It will be there seen, how the proud, the imperious, the magisterial, Mr. John Randolph, who *emulated the character of a man, steeled in honour, a stranger to indirection, and superior to intrigue,* can stifle the compunctions of *conscience,* silence the voice of *justice,* and, to glut his *revenge,* league himself with the most profligate of the human race; nay, that he could employ Daniel Clark, a renegado, who had four† times changed his allegiance; and become the accomplice of his imposition on the House of Representatives, and an ac-

* See page 57 of this volume.

† A British and Spanish subject, a French and American citizen, in turn.—See the testimony of J. and G. Mather, and Colonel William Wikoff.

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cessary to the perjuries with which he stained the records of that honourable body.

Mr. Randolph accuses General Wilkinson.

After several weeks of preconcert, between the associates, Mr. Randolph, on the 31st December, 1807, interrupted the business of the House of Representatives, to introduce several documents, which had been artfully *devised* by Mr. Clark, with the aid of his *employé*, Mr. Power, to draw upon me the public indignation; the reading of these papers was immediately followed by a resolution, previously digested, and offered by Mr. Randolph, in the following words, viz.

"*Resolved*, that the President of the United States, be requested to cause an enquiry to be made into the conduct of Brigadier-general James Wilkinson, commander in chief of the armies of the United States, in relation to his having, at any time, while in the service of the United States, corruptly received money from Spain, or its agents."

Concert of Messrs. Clark and Randolph.

Mr. Randolph, in the course of his observations, referred the House to Mr. Clark, who, he said, if "*coerced by the authority of the House*," could give more "*damning evidence*," than that, conveyed by the documents of Clark and Power, which he had read in his place; when Mr. Randolph sat down, Mr. Clark arose, and contributed his part to the farce, which will be particularly noticed, in another place. So soon as these proceedings came to my knowledge, I seconded the proposition of Mr. Randolph, by requesting an investigation of my conduct, in relation to the accusations, brought against me by him, and a court of enquiry was granted, agreeably to the following order:

"*War Department, Jan. 2d*, 1808.

Court of enquiry.

"In compliance with a request from Brigadier-general Wilkinson, the President of the United States has directed a court of enquiry to be instituted, for the purpose of hearing such testimony as may be produced, in relation to said General James Wilkinson having been,

or now being, a pensioner of the Spanish government, while holding a commission under the government of the United States.

"*President*—Colonel Burbeck.

"*Members.*

"Col. T. H. Cushing, Lt. Col. Jonathan Williams.

"The court is directed to meet at the city of Washington, on Monday, the 11th day of the present month, January, as a court of enquiry, for the purpose before stated; and after a full investigation of such evidence and circumstances as may come to their knowledge, the court will report to this department a correct statement of its proceedings, together with its opinion, on the amount of the testimony exhibited.

"Walter Jones esq. district attorney, for the district of Columbia, will be requested to act as judge advocate, or recorder to the court.

(Signed) "H. DEARBORN,

"*Secretary of War.*"

Messrs. Clark and Randolph refuse to attend the court.

The court was formed on the 15th, and I appeared before it. My accusers, Messrs. Clark and Randolph, had been previously summoned to attend the court; but, having nothing to allege, or fearing a scrutiny, they declined under different pretexts, preferring the floor of Congress, for the proclamation of their opinions, their hearsays, and fictions; from whence their slanders might, with impunity, be disseminated to mislead the public judgment.*

But, although Mr. Clark never could be brought before any judicial tribunal, where, by a cross-examina-

* Alas! the poisons which they disseminated, were but too agreeable to the American palate, which had been vitiated by the licentiousness of the times; they took deep root, and cannot be eradicated, until the grave shall disarm my enemies, and the radiance of truth, shall dispel the mists of prejudice.

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Conduct of Messrs. Clark and D. W. Coxe.

tion, his falsehoods might have been detected and exposed, he spared neither pains nor expense to procure such testimony as might sustain his perjuries; and he found a zealous auxiliary, in his co-partner, Daniel W. Coxe, esquire. Mr. Coxe, in his visit to Andrew Ellicott, at Lancaster; his deposition rendered to the court of enquiry; and his testimony before a committee of Congress; displayed the ardour of his sympathy, and the excess of his zeal; and Mr. Clark's reiterated application of the forgeries, and perjuries he had procured, marks his unceasing industry and vigilance. Yet, after six month's scrutiny, during which period, records were ransacked, from New Orleans to Washington city, numerous depositions were received, by consent, and many witnesses were examined *viva voce*, the court, after the most patient deliberation, unanimously awarded the following opinion, which was approved by the President.

COURT OF ENQUIRY.

"*Washington City, July 4th*, 1808.

Opinion of the court of enquiry.

"After a full investigation of such evidence and circumstances, as have come to the knowledge of the court, in the course of its proceedings, a correct statement of which is hereunto annexed, and after mature deliberation upon the same, the following opinion, the amount of the testimony is respectfully submitted:

"It has been proved to the satisfaction of this court, that Brigadier-general James Wilkinson had been engaged in a tobacco trade, with Governor Miro, of New Orleans, before he entered the American army, in 1791; that he received large sums of money, for tobacco, delivered in New Orleans, in the year 1789; and that a large quantity of tobacco was condemned, belonging to him, and stored in New Orleans, in that year; but it has not been proved, and after the fullest investigation, and comparison of testimony in the possession of the court, it does not appear, that he has received any money from the Spanish government, or any of its officers, since the

year 1791, or that he has ever received money from the government, or its officers, for any other purpose, but in payment of tobacco and other produce, sold and delivered, by him or his agents.

"It has been stated by the General, that after his damaged tobacco had laid some years in the stores at New Orleans, his agent there received for it, and transmitted to him, the several sums, credited in the copy of an account current,* presented by him, and marked No. —; and under the impression, that the letters accompanying said account, were written by his said agent, Philip Nolan, the court think it highly probable, that statement is correct. They, however, do not consider the verity of it of the least importance in the case, since, if he did receive the money, as stated, the transaction was fully justifiable, and if he did not receive it, there is no proof of his having received it at all.

"It is therefore the opinion of this court, that there is no evidence of Brigadier-general James Wilkinson, having, at any time, received a pension from the Spanish government, or of his having received money from the government of Spain, or any of its officers or agents, for corrupt purposes; and the court has no hesitation in saying, that, as far as his conduct has been developed by this enquiry, he appears to have discharged the duties of his station, with honour to himself, and fidelity to his country.

"H. BURBECK, *President.*
"T. H. CUSHING, } *Members.*
"JONA. WILLIAMS, }

"*City of Washington, June 28th,* 1808.

"*July 2d,* 1808—APPROVED,

(Signed) "TH: JEFFERSON."

* See page 119.

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Having passed the ordeal at Richmond, and repelled the calumnies of Mr. Randolph and his confederate, Mr. Clark, I flattered myself, the vengeance of my enemies had been exhausted, and that my persecutions had terminated. Short-lived delusion!—On the 2d of December, 1808, I was ordered on command, to New Orleans, to take charge of a body of levies, to be assembled at that place, from their cantonments, which extended from New York to Georgia, and included the western states; the season was inclement, and the sufferings of these recruits, under inexperienced officers, were extreme; and these were the predisposing causes of the diseases which afflicted the corps at Terre aux Bœufs.

General Wilkinson ordered on command, at New Orleans.

On arriving at New Orleans, in April, I found the troops still assembling, one-third of them down with disease—the whole involved in frightful disorder—men and officers, with a few exceptions, abandoned to profligate dissipation, and the several departments destitute, not only, of the means necessary to the health, comfort, and accommodation of the sick, but to any operation of the troops on the most circumscribed scale.

State of the service there.

Whilst labouring in the public service, on the Mississippi, and encountering every ill, which could afflict a man of feeling, my enemies were actively engaged, to accomplish my ruin. Mr. Clark, with the assistance of his copartner, Mr. D. W. Coxe, *and two or three other persons, whose names could not bear the light,* were secretly compiling an artful and scandalous libel in Philadelphia; and Mr. Randolph, in Virginia, was intriguing with the idle, dissipated, and unprincipled malcontents, who, under the pretext of ill health, resignations, or important family concerns, had shrunk from duty, at New Orleans, and abandoned the recruits they led to the country, who looked up to their paternal care, for protection in health and kindness in sickness. Among this description of ill-intentioned officers, Captain Winfield Scott was the most conspicuous; for he not only deserted his immediate countrymen, and companions in arms, whom he led from Virginia, *but had previously deprived them of two month's pay.* The excite-

ments of Mr. Clark's libellous publications, and the perfidy and misrepresentations of this shameless band of deserters from the public service, produced clamours which appalled the cold, selfish, timid heart of President Madison.—An enemy purposely observed, *"if the President does not drop Wilkinson, the people will drop him."* This was the *tocsin*, which spread terror throughout the palace, and the sacrifice of the military commander was the necessary consequence. I was, accordingly, recalled from my command, to conciliate the traitors I had baffled—the personal enemies whose calumnies I had repelled—and a numerous band of their converts. But, why should I complain?—if it be true, as I have been assured, by high authority,* that Mr. Madison did yield up his own judgment, and consent to involve the nation in war, sooner than split with the party, on whom he depended for his re-election, to the presidential chair?

The effect of public clamour on President Madison.

I arrived in Washington the 17th of April, 1810, where I found two committees of Congress in session, under resolutions of the House of Representatives; one *to enquire into the causes of the mortality among the troops, on the Mississippi*, whom I commanded; and the other, *with powers to investigate my public life, character, and conduct.* Having failed to destroy me by the award of

Appointment of two committees of Congress, to investigate General Wilkinson's conduct.

* His excellency Governor Chittenden informed me, at Vergennes, in Vermont, the 21st of April, 1814, that, anterior to the declaration of war, a caucus of gentlemen belonging to the House of Representatives, who favoured that measure, advised the President, Mr. Madison, by a committee, that it was necessary he should recommend it; the President replied, that as the house had been put in possession of all the information on the subject, within his knowledge, he considered it most proper that a measure of such high responsibility, should be proposed by the immediate representatives of the people. With this answer, the committee returned to the caucus, who ordered them immediately back to the President, to inform him, that unless he conformed to their desires, they should not support his re-election to the presidency. This was a conclusive argument with Mr. Madison, and the manifesto of the 1st of June, 1812, followed. This anecdote is given as it was received, and I heard similar declarations, from a most respectable member of the house, relative to the presidential election.

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the court of enquiry, instituted in 1808, Mr. Randolph, and his partisans, of whom he had gained a considerable accession, determined to take broader and safer ground; expecting, under the auspices of a committee of the house, to remedy the *delinquency* of a court of enquiry, composed of *men of honour*, acting under the *solemnity* of an *oath*; for, although Mr. Randolph and his partisans were sensible the committee was incompetent to form a judicial decision, in the case, yet it might be used to collect a mass of informal, unauthentic accusations, which being sent forth to the public, under the authority of the House of Representatives, without explanation or vindication on my part, would serve to envelope my character in doubts and suspicions, and to excite prejudgments against me. Of this board, a Mr. Butler, of South Carolina, was chairman. The other, I have cause to believe, was appointed at the instance of the secretary of war, or of General Hampton, who, it will appear, had sent an officer (Captain Darrington) to Washington, to promote such an enquiry; or it may have originated with the chairman, Mr. Newton, himself, who moved for the enquiry, professedly, to satisfy the public mind, but, in fact, to criminate me, and acquit the secretary of war of all blame.

Immediately on my arrival, I addressed a letter,* to Mr. Butler, to which I received no answer. This committee had been appointed, *to criminate me, and they were faithful to the trust; I was, not only, not permitted to confront my accusers, but was not allowed to defend myself. The enquiry was held in conclave, no exculpatory testimony was received, and that which I transmitted to the committee, was rejected. Out of twenty-nine authentic documents, submitted to this committee, one only was reported to the House, and that, the farago of perjuries, uttered by Andrew Ellicott; although there were among them, thirteen depositions and examinations, recorded by the court of enquiry, which tended utterly to discredit the affidavit of Daniel*

* See Appendix, No. CXXVII.

Clark, and to acquit me of the charges which he had submitted to the House of Representatives, at the instance of our Thersites. The testimony of Mr. Isaac Briggs, and of Captain William Williams, was shamefully garbled; *anonymous letters, hearsays, assertions, fictions, and forgeries, furnished* by the *conspirator Clark*, and the *alien Thomas Power*, were committed to the records of this unrighteous inquisition, to give weight to the accusations of my enemies, and the enemies of the country; and, having collected a monstrous mass of slanders and invectives, to implicate my character, the committee, made their voluminous report; they, however, adverted to certain papers, respecting my tobacco transactions, and insinuated, that I purposely withheld them, which was true enough; for those papers, were the letters of P. Nolan,* of the 6th of January, 1796, and Gilbert Leonard, of the 1st of April, 1797, and my account current with Governor Miro, dated January 4th, 1796; all of which were, afterwards, submitted to the committee, whereof Mr. Bacon was chairman. If those papers, had been presented to the committee, of which Mr. Butler was chairman, as they went to my complete acquittal of the charge of having received money from the Spaniards, for corrupt purposes, they must have shared the fate of all other exculpatory testimony, furnished to that *conclave;* but being of vital importance to my honour, the fear of losing them prevented their delivery to a board, which had treated my appeal to it with contempt, and had prostrated all the rules of judicial proceedings, had outraged the maxims of justice, and had trampled on the guarantees of the constitution.—to illustrate the conduct of this board, I will state a fact; Mr. Root, of the state of New York, had been a member of it, but disgusted with its arbitrary proceedings, had left his seat; and Mr. John Montgomery, of Maryland, was appointed to supply his place; this gentleman, condemning the injustice of the course, pursued by the committee, moved, that I should be summon-

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Conduct of Mr. Root and Mr. Montgomery.

* See pages 117 and 119, of this volume.

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ed to appear before them, and permitted to attend the enquiry, which so deeply concerned me; this equitable proposition was rejected, and he withdrew also.

Proceedings of Mr. Newton's committee.

The proceedings of Mr. Newton's committee, were plausible, but as much prejudiced as that of Mr. Butler; they did not shut themselves up, nor did they refuse exculpatory testimony, but they, also, treated with silent contempt my repeated applications for leave to confront and cross-examine* the witnesses "*viva voce*," and compelled me to state my interrogatories, *in writing, before I knew to what points the witness could bear testimony*, and then rejected such questions as were not acceptable.

There can be no doubt of the fact, that this enquiry was instituted, to justify the secretary of war, and condemn me, because, much clamour had been raised by the

* *Extracts of letters from General Wilkinson to Thomas Newton, chairman of a Committee of the House of Representatives, appointed to enquire into the causes of the mortality, among the troops, on the Mississippi, in the year* 1809.

"*December* 26, 1810.

"I trust the committee, will pardon me for expressing the hope, that I may be permitted to confront any testimony, which may be offered to affect my character, or conduct, in command."

"*January* 12, 1811.

"I beg leave to throw myself on your candour, Sir, and that of the committee, for permission to confront and cross-examine, every witness who may be called."

"*January* 17, 1811.

"I will repeat my earnest desire, that I may be permitted to confront and cross-examine witnesses. I should not reiterate this pretension, if I was not sustained by a case precisely analogous; it is that of the enquiry into the causes of the failure of the campaign of 1791, when General St. Clair, the commander in chief, and General Knox, the secretary of war, were both allowed seats, and were permitted to call for, and to cross-examine witnesses; and in this case, it will be recollected, that the censure fell on the secretary of war. For the facts, I appeal to the Hon. Wm. Findlay, of Congress, and to General St. Clair, now at Crawford's Inn."

To these applications no answer was received.

seditious malecontents, who had deserted their posts, on the Mississippi, in the hour of extremity; and a sacrifice must, in such cases, be made, to satisfy the popular discontents, *in terrorem* to evil doers, and by way of example to those, who may survive public odium; it had been commenced, sometime before my arrival, and several depositions had been taken, from the partisans of Hampton, and the secretary of war, who had sworn through thick and thin, to convict me of maleconduct in command. Yet, notwithstanding, I was aware of the malicious purpose, and had much at hazard, I could but be amused, at the conduct of the little, self-important, busy chairman; who, to save appearances, constantly pestered me, for written interrogatories, *for witnesses to be examined,* but when under examination, he, with magisterial tone, prescribed what was, and what was not, proper; and if a witness crossed the line of demarcation, the little animal swelled like a toad, and could not conceal his irritation; there were two or three federalists, on this committee, who took sullen delight in these scenes, while the democrats, excepting a Doctor Crawford, of Pennsylvania, a man of head, heart, and honour, bowed assent to the dictates of the chairman; on one evening, a member rebelled against the authority of the chairman, and I expected a fracas would have ensued, but the difference was conciliated after a short squabble. The honourable John Roane, of Virginia, a man of virtue, was present on that occasion; the late meritorious, but unfortunate Colonel Macaulay, was under examination.

These enquiries, which had been instituted by my enemies, to effect my disgrace and ruin, were not terminated during the session of 1810, but were reported in their unfinished state; and the House of Representatives, forgetting the fundamental principles of criminal jurisprudence, forgetting the high and solemn respect, which they owed to their constituents, to themselves, and to the character of their country, to gratify personal revenge, and the malice of a faction, overstepped the ordinary barriers of public justice, and personal safety; and

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sent forth to the world, under the sanction of their authority, these proceedings of prejudiced men, to excite the passions and judgments of the people against a public officer, whose life had been devoted to them, and whose only fault was that of having served them too faithfully.

Although the facts, which were notorious, at the time, concur with subsequent occurrences, to justify the conclusion, that personal resentments, and angry passions had more effect, in producing an enquiry into my conduct, than patriotism, or the public weal, yet, I could have excused frailties, which are inseparable from human nature; but, whilst the enquiry was pending, and before I had been allowed an opportunity to vindicate myself; it was the sacred duty of the House of Representatives, who had undertaken to question my integrity, to presume my innocence, until my guilt had been established by a competent tribunal; and to have protected me from prejudice and misrepresentation, until I had been fairly tried. That a different course was pursued, and that the ruin of an individual should have been anticipated before conviction, and sought after, with remorseless zeal, in despite of justice, humanity, and the constitution; is destructive of civil rights, dangerous to freedom, injurious to the national character, and disgraceful to its authors.

Though as sensible of my own weakness, as I was of the power of the host arrayed against me, conscious integrity, and the spirit of independence, which I inhaled with the revolution, determined me not to concede a right which I could defend; therefore, on perceiving that my note, on the 17th of April, to the *conclave*, at which, Mr. Butler presided, was treated with disregard, I determined, to appeal to the feelings, and the justice, of the House of Representatives, and accordingly, I addressed myself to the speaker.* But, I found the House as obdurate, as its committees; it was deaf to my claims, and treated

* See Appendix, No. CXXVIII.

my sufferings and supplications with frigid indifference. At length the Congress adjourned, and I concluded that the executive, to whom alone I was amenable, and who possessed the only legitimate power, to try, or to punish me, would, necessarily, have taken measures, to release me from the afflicting suspense which corroded my bosom. If I had offended, the constitution gave me a claim to a speedy trial, and by entering the military service, I had not forfeited that pretension, because, by the articles of war, I was entitled to a hearing within eight days after my arrest; there being no obstacle in a time of profound peace, to prevent the convention of a court martial; I flattered myself, also, that the services I had rendered to the country, and to Mr. Madison personally,* by the suppression of Burr's conspiracy, the persecution I had suffered, in consequence of those services, and the known characters of my enemies, would have inclined the chief magistrate to listen to the voice of humanity, and accelerate the cause of justice, without a day's unnecessary delay. But I was disappointed; I had entirely misconceived the character of President Madison; I had to learn, that benevolence, gratitude, and sensibility to the wrongs of his fellow-citizens, or to the obligations of the constitution and the laws, when opposed in the balance, to his personal interests and occult ambition, would kick the beam; so obsequious was this gentleman to the combination formed against me, in the House of Representatives, although, made up of an unnatural alliance, of federalists and democrats, that he added his influence to the denunciations of that body, as far as withholding the civilities of his house, and the retraction of all intercourse with me, could produce any effect.

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The accusation of a traitor was received by the Pre-

* It is acknowledged, on all sides, that if I had not opposed Colonel Burr, he would have taken possession of New Orleans, and that a civil war would have been the consequence, which would have hurled the dominant party from their seats, and Mr. Madison, would never have ascended the presidential chair.

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sident, as a good cause for withdrawing his protection from me; and because I had been accused, he believed it would be most popular to withhold from me the protection of the laws, and leave me to the mercy of an host of implacable enemies. Having waited from the 4th of March, until the 24th of June, without receiving an intimation of the intentions of the President, I addressed the secretary of war,* and received his answer.

From this answer, I perceived that the executive had determined to abandon his constitutional authority, and to surrender me, to the popular branch of the legislature. I confess, the strength of my mind was shaken; but conscious rectitude, an implicit reliance on my Creator, an invincible flow of animal spirits, and a firmness of resolution, which had supported me, under almost every vicissitude of human life, soon restored its elasticity; and the keenest pangs which crossed my bosom were produced, by the absence of the honoured object of my tenderest affections. I submitted to this cruel, and unprecedented treatment, with cheerfulness; and patiently awaited the assembly of the Congress, to whose vengeance I now looked up, with assurance, for that relief, which I could no longer expect from the selfish policy, the timidity, and injustice of President Madison.

Congress re-assembles, and committees re-appointed.

The Congress met again, in December, 1810, and Mr. Newton resumed his *unfinished task* of vindicating the secretary of war; but a total change was made in the other committee, and *honourable men* occupied the place of *Mr. Butler*, and his *compeers*. As soon as this board was organized, the following communications† passed between the chairman and myself.

At my first interview with this committee, I discovered from the fastidious reserve, and lowering aspect of the members, that the poisons, collected by their predecessors, and disseminated by the House of Representatives, had strongly infected their minds: such is the scepticism

* See Appendix, No. CXXIX. † See Appendix, No. CXXX.

of human judgment, in cases of criminal accusation, where the charges are boldly asserted—such the illusions to which man is subject, under the bias of his passions—and hence, the cruelty and injustice, of anticipating the trial, by publications which bear on the case, and are calculated to excite prepossessions and prejudgments; yet I was permitted to attend the enquiry, and to avail myself of cross-interrogatories; but the witnesses were allowed to render their testimony in writing, and to make it up at their leisure; of course, their productions were shaped with all the art of professional ingenuity, to enforce the allegations brought against me.—On the whole, I experienced no illiberality; and before the investigation closed, I have reason to believe, the committee were satisfied of my innocence.

Result of their enquiries.

In fine, after a tedious enquiry, these committees made report to the House of Representatives:—that of which Mr. Bacon was chairman, submitted the testimony without an opinion; but Mr. Newton had the address, to prevail on a majority of his associates, in which number the honourable Mr. Crawford, of Pennsylvania, must not be included, to report an opinion directly *at variance with simple truth*, and in the face of broad facts, set forth by my correspondence with the secretary of war, and supported by the testimony, of more than twenty respectable witnesses, spectators of the scenes to which the enquiry was *professedly* directed. To speak of shame to such men, would be like speaking of colours to one who was born blind. The object of the enquiry was to defend Mr. Secretary Eustis's reputation, as war minister; and the sapient, candid little Newton, frequently observed, when I urged the committee, for an opportunity to explain or defend my conduct, "*Why, Sir, this enquiry has nothing to do with your conduct or character?*" and yet, after calling for my orderly book, the daily record of the army, which explained every circumstance, and answered every question, he declined reporting a single sentence from it. This attempt to censure me, on false grounds, and in opposition to the

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testimony, produced no other effect, but to expose the *impotent malice*, or ignorance, or *treachery*, of its authors.

Papers transmitted to the President.

The House of Representatives, exhausted by enquiries after what was not to be found; ashamed to press my persecution further; and unable to collect testimony, which would justify my condemnation to their constituents or to the world; after an expense of many thousand dollars, transferred the mass of documents, which they had been two years collecting, to the President of the United States, and again adjourned.

My condition now became almost hopeless, as the President's *circumspection* kept pace with the approach of the election. A year had elapsed, since my recal from command; committee upon committee had been raised, to investigate my conduct, and yet no result had been produced; my situation began to attract public attention, and excite sympathy; the question forced itself, on the mind of every man: If he is guilty, why not condemn him? if innocent, why not acquit him?—The President laboured for a resolution; on one hand justice exacted it, on the other popular fears forbade it.—In the mean time, several propositions were made to me, from the secretary of war, through an old meritorious brother officer; the most prominent and distinct of which was, "*that I should return to my family on the Mississippi, and wait there the further pleasure of the House of Representatives, without the resumption of my command.*" This I spurned with indignation, informing the secretary, by General Lee, "*that sooner than consent to such degradation, I would bare my bosom to the fire of a platoon.*"

Things continued in this state, until the 13th of May, 1811, when I received the following note from the secretary of war.

"*Monday, May 13th*, 1811.

"The secretary of war, wishes to have an interview, with General Wilkinson, and asks the favour, of his calling at the office, to-morrow at 11 o'clock, or at such other hour as may be convenient."

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Interview with the secretary of war.

The circumstances which followed the receipt of this note, cannot be so satisfactorily explained, as by a quotation from a letter written at the time of these transactions, which was not intended for the public eye, and therefore I shall offer no excuse for the carelessness of the style; the defects must be compensated by the fidelity of the details.

"*Washington, May 23d*, 1811.

"The documents in No. 1. will give you some idea of the doings in my case, but to understand all, you must submit to a tedious explanation. In consequence of the note of the 13th, I called on the secretary, for the first time since November; but previously saw my friends ——— and ———, who assured me, I stood *acquitted of all suspicion or censure by the President, and the cabinet, on the score of Burr's conspiracy, and the Spanish pension.* Mr. Eustis received me with great cordiality, and pressed my hand, until it almost ached; he opened the subject by saying, he had been ordered by the President, to have a communication with me, and had preferred that mode, as the most convenient, and least troublesome. I replied, "*that I preferred the record, but was content.*" He then proceeded, "the President felt for my situation, very sensibly, and felt every disposition, to do me justice; *that on the score of the Burr business, I stood perfectly acquitted, and in relation to the Spanish business, he was also satisfied;* but submitted to me, whether it might not be expedient, to fall on some plan, to clear up the information, contained in Ellicott's letter, to Mr. Pickering in 1798, from Darling's Creek, and the intercepted letter of Gayoso; *but, that this was a mere suggestion, which he offered to my consideration;*" but, continued the secretary, "the papers of the committee, respecting *the mortality of the troops on the Mississippi*, have not been submitted to the President, and *he thinks, something should be done on that subject, to satisfy the public mind, vindicate your character, and justify his conduct;* he knows he cannot, constitutionally, bring you before a military tribunal, but thinks the affair should take that course, and that he should have the sentence of a general court martial to justify his conduct." I could but express my surprise, and frankly observed, "why, Sir, I believe the public mind perfectly satisfied on this point, and that but one opinion prevails. Certain I am that a great majority of both houses of Congress, have acquitted me in toto, of a shadow of blame; you, however, know, Sir, that I have been always desirous to meet a military investigation, and I shall now cheerfully wave the privilege of my rank, to accommodate the desires of the President." He then observed, the trial must be had on the Mississippi, but I shewed him the difficulty of forming a court there, urged

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the delay which must attend it, and protested against going to that country, while Hampton commanded there, as he had allied himself to Daniel Clark, and had made attempts to procure testimony against me; that a plurality of the officers, who served at Terre aux Bœufs, were now on the Atlantic, and that, but for these circumstances, nothing could be more agreeable to me, than to have my trial on the Mississippi. He appeared to acquiesce, yet, seemed undetermined, as to the course to be pursued, or the expediency, of having any *enquiry at all;* he said, however, that he would let me know, the President's resolution, and we parted. I discovered, that he was averse to a judicial enquiry, and I could but pity the POOR PRESIDENT, who is weighing in *the scales of popularity*, the destiny of the very man, whom he is now to judge for the very act which made him PRESIDENT. I am assured, he thinks me *innocent and injured*, and yet *he is afraid to do so;* but if he thought otherwise of me, and possessed proofs to support him, he would blast me, without a moment's compunction.

"Seeing that the enquiry, however unmerited and disgraceful, must eventuate to my honour, I determined to press it, and therefore wrote the letters No. 2 and 3;* and on the 18th, I had a second interview, at which the secretary honoured me, with professions of friendship, and expressed an abhorrence of his situation, which obliged him to become my accuser, and thought the charges could be reduced to a very narrow compass; I wished them extended as far as possible; he approved the idea, of observing the utmost delicacy in the procedure, said the officers should be ordered to Fort M'Henry, without saying a word of the court, until they were convened, and that then I might surrender my sword. He wished to see the proceedings of the committees, pretending he had not examined them, in order to know how to shape the charges, and call his testimony, which I agreed to procure for him, and I thought the preliminaries fixed, when he observed, "*by God! I believe it will do no good, and I think the thing should be settled at the White House.*" I expressed a desire for the court, but observed, "*I sought justice only, and was regardless of modes.*" We again parted, and the next morning I sent him, the last proceedings of the committees, which he could not have read in a day, yet, early the next morning he sent me No. 4, to which I hastily replied by No. 5, and here we stand, though I have taken care to send him the first report, and have just now added the note No. 6.—you must understand that in all these proceedings, he has enjoined perfect silence, and therefore you can only look at them and give me your advice.

"In this situation, what shall and what ought to be done? Mr. Madison is restrained from rendering me justice, by fears of his popularity, and Eustis wishes to condemn me and acquit himself of blame, for the incidents of the campaign on the Mississippi; his desire to

* See Appendix, No. CXXXI.

transfer the trial to New Orleans, is, I foresee, to get rid of it altogether, because on every question which may arise there, reference must be made to the President, and thus the enquiry may become endless; expecting to be provided for elsewhere, I am confident his great desire is to prevent a decision until he may get away. He wishes then, doubtless, to disarm me, that he may easily effect his purpose. What do you think of the detection in the instructions to M'Cullough? yet, bear in mind that while Eustis is secretary of war and has the ordering of the court, the judge advocate, &c. he will have a great advantage over me. If the trial be ordered for New Orleans, I foresee it can never be brought to a conclusion, and therefore I will appeal to the President in opposition to it. The secretary of the ——— tells me Mr. Madison feels for my situation most *sincerely*, and is desirous to do me full honour, but fears the popular sentiment —cannot you say something to give him confidence? Hampton is publicly and avowedly Clark's advocate. He persecutes every officer friendly to me and who despises Clark. He arrested PIKE, on the day he issued the enclosed order—was there ever such an order! Is it possible such scenes of dishonour and disgrace can be permitted! but indeed there seems to be an apathy in relation to personal wrongs —my own injuries quicken my sensibilities for those of another."

Correspondence of the 21st of May.

The preceding extracts have been carefully copied from my letter of the 23d of May, and furnish a faithful record of what passed between the secretary of war and myself, in the interval which followed his note of the 13th. Another painful pause ensued, and President Madison, continued his deliberations on my fate and fortunes, until the 1st of June, on which day, after the lapse of eighteen months, he discovered that it would be best for me and *safest to himself*, to refer my case to a general court martial, and accordingly he transmitted me the notification contained in the secretary of war's letter* under that date. This extraordinary letter, after all that had been professed by the secretary of war, so far ameliorated my sufferings, as to indicate the "*course deemed most proper to be pursued*," but without limitation of time or designation of place, and, it will be seen, without sincerity of purpose, but with an insidious reservation for the introduction "*of such testimony as is possessed by the*

* See Appendix, No. CXXXII.

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executive, to which of course may be added, such other evidence as may be proper to be adduced," thus placing the enquiry on grounds as broad as the ocean and as precarious as the seasons.

I claim the attention of the candid reader to a condensed view of the consistency of the chief magistrate. On the 24th of November, 1809, he informed me by his secretary of war, Doctor Eustis, that I might *"rest assured of a disposition in the executive, to shield me from persecution, and to afford me every aid in my exertions to assert and maintain the uprightness of my character and conduct."* But let us enquire how the conduct of President Madison corresponded with these solemn assurances? He had on the *rumours of my enemies*, without *"specific charges,"* degraded me from my command on the Mississippi—he had refused me a professional enquiry, guaranteed by the constitution and the laws—he had proscribed me the civilities of his table, to which it is notorious *public worth and private virtue have not been exclusive passports*—he had surrendered me to a prejudiced and impassioned popular assembly, from whose maledictions I had escaped, after being stretched on a bed of torture, for more than a year, because testimony could not be found to condemn me—the immense volume of criminatory testimony, collected by the elaborate scrutiny of a military tribunal, and by four committees of the House of Representatives, during two successive sessions of Congress, had been before him since *"the 29th of February,"*—three of his ministers had assured me that he was *"satisfied* of my innocence in relation to *Burr's conspiracy and the Spanish pension,"*—and the evidence produced on the malicious enquiry into the causes of the *mortality among the troops on the Mississippi*, had vindicated my judgment, my humanity and integrity—yet, the conscientious President, after his pledge *"to shield me from persecution,"* after the secretary of war had expressed his belief that *"the charges could be reduced to a very narrow compass,"* and after eighteen month's sus-

pension from command, deemed it expedient to make me account to a general court martial, not only for the mortality among the troops on the Mississippi, but determined that it was advisable also to widen the ground of crimination, so as to take in the calumnies of Messrs. Clark, Power and Randolph, concerning *Burr's conspiracy and the Spanish pension,* although satisfied of my innocence on those points.

However unexpected the proposition, it was acceptable, because it promised a termination of my persecutions, and I joined issue most heartily. Fort M'Henry in the first instance was agreed on, for the assembly of the court; but, a few days after, this place was objected to, on the ground, as the secretary of war expressed himself to me, of my having *"too many friends in Baltimore,"* and because the good people of that city were deemed too friendly to me, the meeting of the court was ordered at Fredericktown, where, it was believed, *the inhabitants were hostile* to me.* It had been my misfortune to be compelled, in self defence, to expose to a committee of Congress, the incapacity and misconduct of Mr. Secretary Eustis; the *"harmony of the cabinet"* required that the minister should be supported, and agreeably to the doctrine of Lord Bute, *"the more corrupt, the more firmly."* The President must never recede, unless to favour his personal interests or promote those of his partisans. The range of my accusations were therefore extended, in the hope some faint blemish might be attached to my conduct, which would enable the executive to raise a mist and excite prejudices, to obscure the real merits of the respective public servants, and screen the minister at the expense of the general; and yet we are told Mr. Madison, is a man of benevolence, candour, independence and justice; as well might one attempt to reconcile meekness to malignity, treachery to truth, magnanimity to meanness, and vice to virtue, as to accredit these attributes of President Madison.

* See testimony of Captain M'Pherson, page 457.

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The insincerity of this communication of the 1st of June is manifest; for notwithstanding the avowed purpose of the President, it is obvious he had not made his final determination, because the secretary, Doctor Eustis, waited on me the 11th, ten days after, and proposed that I should *"return home forthwith, there to wait further orders, until the ensuing session of Congress should pass over, when in case that body did not* RE-STIR *my affair, I should be reinstated in my command."** What a shameless proposition! by which my *guilt*, or my *innocence*, was to be tested, not by the acquittal of the court of enquiry, and the approbation of President Jefferson, nor the testimony which had been amassed by the inquisitorial committees of Congress, nor yet by President Madison, to whom those volumes of testimony had been submitted, and who only was authorised to decide on them—but by the caprice of the House of Representatives. Can a parallel case be found in the history of a nation pretending to a government of laws?†

If I had proceeded to New Orleans, and *the affair had not been "re-stirred,"* by the House of Representatives, then the *secretary* would *escape censure, my innocence* would be *admitted*, and I was to be *"restored to my command;"* but if during my absence at New Orleans, the *affair* should have been *"re-stirred,"* by Congress, then indeed, it might become necessary, to sacrifice me, for the expiation of the secretary's sins; because, *every body*, and *every thing* must be *sacrificed*, *"to the harmony of the cabinet;"* and the chief magistrate, who could thus sacrifice, the solemn *duties* of his *station* to his *personal*

* See my letter to him, page 32.

† If the chief magistrate believed me guilty, was it not his duty to bring me to trial? if assured of my innocence, was he not bound to acquit me? But Mr. Madison proposed a compromise, by which it might have happened, that the merits or demerits of my conduct, could have had no influence on the decision: and thus it is he would commute public justice and personal rights, for popularity and the presidential salary.

policy, who could *dispense* with the *injunctions* of the *constitution*, and, to *preserve* his *popularity*, could *calmly abandon a faithful officer*, who looked to him *for protection*, and whom he was bound *to protect*; would have made no hesitation, on an *intimation* from the *popular branch* of the *legislature*, to *condemn* the man whose *innocence he acknowledged*, and *dismiss me* from *service*, *without a hearing*. An impartial review of these measures, and those which have ensued, will dissipate every doubt, and President Madison's character will no longer continue enigmatical. The annals of the world, though amply stored with follies and cruelties, do not exhibit a more striking instance of imbecility and injustice, in the chief magistrate of a nation.

Proposition of the secretary of war.

The proposition made to me, by the secretary of war, on the 11th June, was renewed by the agency of General Lee, on the 14th, with the additional accommodation of "*a public vessel to convey me to New Orleans*," which was also declined, as will be perceived by my correspondence,* wherein my anxiety for a trial, is as clearly de-

* "*Washington, June 7th*, 1811.

"Sir,

"This is the fifth day, since our last interview, and I have heard nothing further of the institution of the tribunal, which I so anxiously desire. Pardon, then, this intrusion from one whose mind is agonising under the tortures of suspense.

"It is long since I supplicated a trial by my peers, but a deaf ear was turned to my supplication. At length the President of the United States, to whose decision I have been taught to look, for the termination of my calamities, has been pleased to resort to a court martial, and the chief obstacle to the formation, and assembly of the tribunal, is, I am led to believe, the specification of a suitable place for its meeting; that of my selection does not meet your approbation. Take then, Sir, the spot of your preference, and I shall be content; all I ask is, that not one moment of unnecessary delay may be permitted to prevent the assembling of the court, and prosecution of the trial, to a conclusion. This, my only request, is small, when compared with the extent of my sufferings, and the ills which accompany them. It will not, I trust, be denied me, because I think it should not: and it interests the justice, and the honour of the government, to release

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accumulate matter for crimination, notwithstanding the President's professed disposition, "*to shield me from persecution,*" and *his continued* "*wish to consult my conve-*

hope I shall not be considered unreasonable, for again pressing the nomination, and assembly of the court, together with the exhibition of the charges, and a list of witnesses, should this be deemed proper.

"Respectfully, I am, Sir,

"Your obedient servant,

(Signed) "JAMES WILKINSON.

"*Hon. William Eustis, Secretary of War.*"

"*War Department, June 14th,* 1811.

"Sir,

"I have the honour to acknowledge the receipt of your letter of the 12th instant. Having considered the subject in all its relations, and more especially as you prefer it, I am of opinion, that the reference to a court martial is the only proper course remaining to be pursued. Your desire to have the court assembled, as soon as possible, is reciprocated; and as I have had the honour to inform you, is in a train of execution. The time, indispensably necessary to procure the testimony, which is presumed to be in New Orleans, or in the Mississippi, is the only time which will intervene. To collect and transmit this testimony, will require two or three months; but as the court will be employed, some considerable time, in examining the printed documents, they will be ordered to assemble at Fredericktown, in Maryland, on the first Monday in September next, unless a later day shall, at your request, and to meet your convenience, be assigned.

"As it is the *continued wish of the executive, to consult your personal convenience,* as far as circumstances, and a sense of duty will permit, I am instructed to inform you, that your continuance at the seat of government is not deemed necessary, and that, until the meeting of the court, *the place of your residence may be selected,* as your own inclination may suggest.

"I am, with respect, Sir,

"Your most obedient servant,

(Signed) "W. EUSTIS.

"*Brigadier-general James Wilkinson.*"

"*Washington, June 14th,* 1811.

"Sir,

"I am honoured by your favour of this morning, and, although I wished an earlier day, for the convention of the court, I am sincerely thankful it has been fixed for the nearest period, reconcileable to the course adopted for the conduct of the prosecution.

nience," that it was not until, the 7th of July, fifty days, that I received the voluminous and elaborate charges which had been prepared and digested for my trial, and were enclosed to me, in the following letter, from Walter Jones esq., judge advocate for the occasion.

"*Washington, July 7th,* 1811.

"Sir,

"I am requested, by the secretary of war, to transmit to you a copy of the charges to be exhibited against you before the general court martial, about to assemble at Fredericktown, on the first Monday in September next, by order of the President. You will find the same inclosed, accordingly, together with a list of the witnesses on behalf of the prosecution.

"I have the honour to be, Sir,

"W. JONES, JUN.

"*Officiating as Judge Advocate.*

"*Brigadier-general Wilkinson.*"

CHARGE I.—That the said James Wilkinson, while in the military service, and holding the commission of Brigadier-general, in the army of the United States, did corruptly stipulate to receive, and, by virtue of such stipulation, did actually receive, by way of pension, or stipend, divers sums of money, from the officers, and agents, of a foreign power; that is to say, from the Spanish officers and agents, concerned in the administration of the late provincial government of Louisiana and its dependencies, for the intent and purpose of combining and co-operating with that power, in designs adverse to the

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"I cannot, sufficiently, *express my sense of gratitude for the proposed accommodation** communicated to me, from you, by General Lee; but I fear I shall not be able to avail myself *of the Presidential kindness,* in this instance, as I can never approach the honoured object of my affection in an equivocal character.

"With respect, I have the honour to be,

"Sir, your obedient servant,

(Signed) "JAMES WILKINSON

"*Hon. William Eustis, Secretary of War.*"

* A public vessel to convey me to New Orleans.

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laws and policy, and hostile to the peace, interest, and union of these states; contrary to his duty and allegiance as an officer and a citizen.

Specification 1.—Two mule loads of money, (the amount unknown) being received at New Orleans, by one Joseph Ballinger, for the use, and by the authority, of him, the said James Wilkinson, on account of the said pension, and delivered by the hands of one John Ballinger, to him, the said James Wilkinson, at Frankfort, Kentucky, some time in the month of December, 1789.

Specification 2.—Two other mule, or horse, loads of money, (the amount unknown) being received by him, the said James Wilkinson, assisted by one Philip Nolan, at New Orleans, some time in the autumn of the year 1789, also on account of the said pension.

Specification 3.—Four thousand dollars and upwards, being received by one La Cassagne, at New Orleans, some time in the year 1793, or in the year 1794, for the use, and by the authority, of him, the said James Wilkinson, also on account of the said pension.

Specification 4.—Six thousand dollars, being received by one Henry Owen, at New Orleans, some time in the summer of the year 1794, for the use, and by the authority, of him, the said James Wilkinson, also on account of the said pension.

Specification 5.—Six thousand dollars and upwards, that is to say, from six thousand three hundred and thirty-three, to eleven thousand dollars, or thereabouts, being received by one Joseph Collins, at New Orleans, some time in the summer of the year 1795, for the use, and by the authority, of him, the said James Wilkinson, also on account of the said pension.

Specification 6.—Six thousand five hundred and ninety dollars, being received for the use, and by the authority, of him, the said James Wilkinson, at New Orleans, by some person unknown, some time prior to the date of a letter, from the said James Wilkinson, to one John Adair; in which letter, dated the 7th of August, 1795, the receipt of that sum is mentioned, also on account of said pension.

Specification 7.—Nine thousand six hundred and forty dollars, being sent by the Baron de Carondelet, Governor-general of Louisiana, from New Orleans, some time in the month of January, 1796, and by his direction, deposited at New Madrid, for the use, and subject to the order, of him, the said James Wilkinson; and afterwards, some time in the summer of 1796, taken by one Thomas Power, from New Madrid to Louisville, and by him delivered over to one Philip Nolan, by the direction and authority, and for the use, of him, the said James Wilkinson, also on account of the said pension; he, the said Power, retaining, out of the said sum of money, six hundred and forty dollars, for defraying his expenses, and receiving the instructions of him, the said James Wilkinson, to secure for him the reimbursement of the same, from the Spanish government.

Specification 8.—Ten thousand dollars, or thereabouts, being received by him, the said James Wilkinson, at New Orleans, some time

between the 7th of December, 1803, and the 21st of April, 1804, also on account of the said pension.

Specification 9.—He, the said James Wilkinson, (in consideration of having so corruptly engaged himself with the Spanish government) receiving at divers other places, as yet unknown, and on divers other days, and times, between the first day of January, in the year 1789, and the 21st of April, in the year 1804, by divers secret ways and means, a pension, stipend, or gratuity, from the officers and agents of that government.

Specification 10.—He, the said James Wilkinson, did, some time in the month of October, in the year 1789, at the camp, at Loftus' Heights, in a secret conference there with one Daniel Clark, set up a claim to ten thousand dollars, as a balance due him, the said James Wilkinson, from the Spanish government, on account of his pension, or stipend; and did, then and there, request the said Daniel Clark, to propose to the Spanish Governor Gayoso, that the latter should, in consideration of the said balance of ten thousand dollars, due to the said James Wilkinson, from the Spanish treasury, transfer to him the said James Wilkinson, a plantation near the Natchez, then belonging to the said Gayoso.

CHARGE II.—That he, the said James Wilkinson, while in the military service, and holding the commission of Brigadier-general, in the army of the United States, did combine, and confederate himself, with the officers and agents of a foreign power: that is to say, with the Spanish officers and agents, concerned in the administration of the late provincial government of Louisiana, for the purpose of devising and carrying into effect, certain pernicious and treasonable projects for the dismemberment of the United States, and for an unlawful and treasonable confederacy between certain dismembered portions of the United States and the said foreign power; and, for that purpose and intent, did hold divers secret consultations, and carry on secret and treasonable correspondences with certain officers, agents, and emissaries, of that power, contrary to his duty and allegiance as an officer, and a citizen.

Specification 1.—He, the said James Wilkinson, in pursuance, and in execution of his said unlawful plot and confederacy, did, some time in the months of October and November, in the year 1795, at Cincinnati, carry on a treasonable correspondence, with the Spanish governors, the Baron de Carondelet and Don Manuel Gayoso de Lemos, touching the execution of the said unlawful plot and confederacy, which correspondence was carried on, by means of a certain emissary, employed by the said Governor Gayoso, named Thomas Power; and did, at the same time, direct the said Thomas Power, to lay certain observations, verbally before the said Governor Gayoso, and the Baron de Carondelet, calculated to arrange and settle a plan for continuing a secret and unlawful correspondence between him, the said James Wilkinson, and the Spanish officers, and agents, in the pro-

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vince of Louisiana; and for secretly preparing the means necessary to the execution of the said unlawful plot and confederacy.

Specification 2.—He, the said James Wilkinson, in pursuance of his said unlawful plot and confederacy, and in continuation of his said unlawful and treasonable correspondence, on or about the 22d day of September, in the year 1796, did send from Fort Washington, a certain letter in cypher, addressed to the said Governor Gayoso, for the purpose of further devising ways and means, to conceal the treasonable correspondence, and confederacy between him, the said James Wilkinson, and the Spanish officers, and agents, in Louisiana; and further to advise, and devise, ways and means, to execute the unlawful objects of the same.

Specification 3.—He, the said James Wilkinson, in pursuance of his said unlawful plot and confederacy, and in continuation of his said unlawful and treasonable correspondence, did cause, and procure his confidential agent, Philip Nolan, to write certain instructions to the said emissary, Thomas Power, for the prudential government of his, the said Thomas Power's, conduct in performing the part assigned him in the said plot and confederacy, and for the purpose of regulating the said Thomas Power's proceedings therein, so as to guard him against detection or mistake.

Specification 4.—He, the said James Wilkinson, on divers days and times, in the years 1795, 1796, and 1797, at Frankfort, at Cincinnati, at Greenville, at Detroit, and at Fort Washington, did hold divers secret and unlawful conferences, and consultations, with the Spanish emissary, Thomas Power, both by day and by night, for the purpose of advising, and devising, the means of executing his said unlawful plot and confederacy.

Specification 5.—He, the said James Wilkinson, at divers other days and times, between the 1st day of January, 1789, and the 21st day of April, in the year 1804, at divers places in the United States, and at New Orleans, and divers other places in the province of Louisiana, did, in pursuance of the said plot and confederacy, and in further continuation of the said unlawful correspondence, hold, and carry on, divers other secret, unlawful, and treasonable conferences, correspondences, and consultations, with the said Thomas Power, with one Gilberto Leonard, Andres Armesto, the Baron de Carondelet, and Governor Gayoso, all officers, or agents, of the provincial government of Louisiana, and with divers other confederates, as yet unknown, engaged on behalf of the said government.

CHARGE III.—That he, the said James Wilkinson, while commanding the army of the United States, by virtue of his said commission of Brigadier-general, did combine, and confederate himself with known traitors, or with those known to be conspiring treason against the United States; with intent to promote and advance the consummation of such treason, or conspiracy of treason, contrary to his duty and allegiance as an officer, and a citizen.

Specification.—He, the said James Wilkinson, combining and confederating with one Aaron Burr, and his associates and coadjutors, in the years 1805 and 1806, in a certain treasonable conspiracy, to dismember the United States, by effecting a separation and division of the states, and territories, west of the Alleghany, from those to the east, and to set up a separate and independent empire, to be composed of such western states and territories.

CHARGE IV.—That he, the said James Wilkinson, while commanding the army of the United States, by virtue of his said commission of brigadier-general, and being bound by the duties of his office, and by his fidelity as a citizen, to do all that in him lay, to discover and frustrate all treasons, and conspiracies against the United States, did, nevertheless, connive at, and permit conspiracies of treason, and did encourage and abet the same, by his countenance, as commander of the army.

Specification.—He, the said James Wilkinson, in the years 1805 and 1806, receiving from the said Aaron Burr, and his associates, confidential communications of their treasonable designs, and permitting their solicitations of his active co-operation in their treason, without his making any timely discovery of their pernicious designs.

CHARGE V.—That he, the said James Wilkinson, while commanding the army of the United States, by virtue of his said commission, and being bound by the duties of his office, to do all that in him lay, to discover and to frustrate, all such enormous violations of the law as tended to endanger the peace and tranquillity of the United States, did, nevertheless, unlawfully combine and conspire, to set on foot a military expedition, against the territories of a nation, then at peace with the United States.

Specification.—He, the said James Wilkinson, in the years 1805 and 1806, combining and conspiring, with Aaron Burr and his associates, to set on foot a military expedition, against the Spanish provinces and territories in America.

CHARGE VI.—Disobedience of orders.

Specification.—In that the said Brigadier-general James Wilkinson, being then in command of the troops assembled at New Orleans, was, by written orders and instructions from the war department, dated, April 30th, 1809, required and directed to give the necessary orders, for the immediate removal of said troops, to the high ground in the rear of Fort Adams, and to the high ground in the rear of Natches, in the Mississippi territory, referring to his discretion, to occupy those stations respectively, with such portion of the troops, as he should judge most convenient and proper; which order and instructions, the said General Wilkinson, wholly neglected and refused to obey, and did thereafterwards, in the month of June following, cause said troops to be removed in a contrary direction, to a station, called Terre aux Bœufs, below New Orleans, at which station he formed an encampment, and remained until the month of September following

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CHARGE VII.—Neglect of duty.

1. *Specification* 1.—In that the said General Wilkinson, permitted bad and unwholesome provisions to be issued to, and consumed by, the troops under his command, during the summer and autumn of 1809, and did not exercise the right of commanding officer, in respect to the execution of the contract, made by James Morrison with the war department, for supplying provisions, as provided in the 2d, 4th, and 5th, articles of said contract.

Specification 2.—In not selecting, previous to the removal of the troops, to the Mississippi territory, in September, 1809, and in not leaving at the hospital, in New Orleans, under the care of proper officers and physicians, such of the sick and convalescent, as could not be removed, without manifest and increased danger of their lives, and in so distributing the men in the transports, when removing, as to incommode and endanger both the sick and well, thereby disregarding and defeating the primary object of the order for removal.

Specification 3.—In not ordering the military agent at New Orleans, to make the necessary advances of money, to the brigade and regimental quarter-masters, and in not giving orders for the troops to receive their pay, clothing, medicines, and hospital stores, which were in readiness for them, in New Orleans, at the time of their ascending the river, in September, 1809.

CHARGE VIII.—Misapplication and waste of public money and supplies.

Specification 1.—In that the said General Wilkinson, in May, 1805, ordered the assistant military agent at Pittsburgh, to pay for the transportation of his private property from Baltimore, out of the public money, "and place the same to the account of public transportation for military service."

Specification 2.—In halting a detachment of the army, at Louisville, Kentucky, in February, 1809, consisting of several companies, which detachment was descending the Ohio in transports, and in then and there detaining said detachment, to take on board ten horses, the private property of said General Wilkinson, which horses were transported in public boats to New Orleans, by his order, and were fed at public expense for several months.

Specification 3.—In authorising certificates to be annexed to the provision abstracts of the army contractor, to enable the contractor to receive from government, the full price of good and wholesome provisions, when it was well known to the said General Wilkinson, that a great portion of the provisions, comprised in those abstracts, so passed in the summer and autumn of 1809, were unmerchantable and unfit for use.

To these charges I pleaded NOT GUILTY. The trial proceeded, and at its conclusion, I offered the following defence.

CHAPTER II.

Exordium.—Complication of accusations.—Wide range of testimony.—Extraordinary nature of the summons issued to the witnesses for the prosecution, by order of James Madison, President of the United States.—Remarks on Daniel Clark's non-attendance.—Thomas Power's arrival, and introduction to the Court.—His scandalous deportment.—The sinister combination and hypocrisy of John Randolph and Daniel Clark detected and exposed.—Interesting letters of Clark to Power, read in evidence and withdrawn, but returned by order of the Court.

MR. PRESIDENT, AND GENTLEMEN OF THE COURT,

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In entering upon the defence, which it has become my duty to submit to the honest and intelligent judgment of this court, it is not my design to exhibit any unnecessary display of those poignant emotions which the occasion is calculated to excite. If, in the honourable profession of arms, to which the better part of my life has been devoted—if, in that profession, which should be equally "ABOVE FEAR AND ABOVE REPROACH," I am not indeed sunk below all sense of the common value at which fame and character are held in this life—if, there is not something peculiarly foul in the very nature of a long course of military service, which should render me entirely destitute of the ordinary feelings of a man—it will not create surprise, that I should appear before you fraught with indignation, and in some degree impatient of the humiliating task, to which I find myself reduced, of examining and repelling the gross and accumulated charges under which I have been arraigned. But, gentlemen, the purposes of a fair

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and just vindication will require no other support than that which is derived from the inherent strength of truth itself; and, therefore, instead of weakening that support by intemperate reflections, it will be my endeavour, as I feel it will be my interest, to develope and apply the testimony in its natural force, unobscured by passion; and to present to you a connected view of the serious and important matters involved in this enquiry.

Of the testimony which has been exhibited against me on the part of the prosecution, it is proper it should be here distinctly understood, that it comprises ALL THE EVIDENCE OF EVERY SPECIES, which has been heretofore adduced by my accusers, PUBLIC AND PRIVATE;—that all the sources of information having been appealed to and invited, and a conclusive and a complete enquiry into my case having been announced, by the reference made to the President of the United States, under a resolution of the house of representatives, before the close of the last session of Congress; that the President having further referred this enquiry to the consideration of a General Court Martial, by an order dated the 15th of June, 1811; this court itself having been three months in session, and it having been generally known, two or three months before it assembled, that I was once more to be put upon my trial. Under these circumstances, in addition to the combined labours and rancorous perseverance with which my fame has been pursued, a most ample opportunity has been afforded, for the malignity of my enemies to exhaust itself from every quarter, in the production of all the proofs on which they have relied, or which it has been even pretended were in existence, for the purpose of sustaining their accusations and establishing my guilt: I may, therefore, be allowed to hope—nay, gentlemen, you must not think it strange that I should most fervently implore Heaven—if there is ever to be an end to the tedious anxieties and lingering tortures of suspense which I suffer, that my doom, whether unfavourable or propitious, may be finally determined by the result of your decision.

All the *ex parte* evidence collected and produced, in four several reports of committees of Congress; all the evidence material to this issue, contained in the report of colonel Burr's trial, which accompanied the President's message to Congress upon that subject, on the 22d of January 1808; all the testimony, written and parole, produced before the court of enquiry which investigated my character and conduct three years since; and all the formidable evidence, which the influence and indefatigable industry of one of my chief adversaries and most distinguished accusers* has been able to fabricate or procure: all this monstrous mass of written and printed documents, beside a variety of original depositions, and the examination of an host of witnesses, in the course of the present trial, has been offered and received in evidence before this court, in support of the multiform charges and specifications under which I have been arraigned. It is true, that a few of those persons, who may be deemed principal witnesses to prove some of the most heinous of the offences alleged against me, and especially Mr. Clark himself, have failed to attend this court; and it is not improbable that the malicious ingenuity of prejudice, may construe their non-attendance into the presumption, that, if they had attended, it would have been in their power to have furnished strong proofs of my guilt. But it is proper it should be known, that a long list of the witnesses against me was made out as soon as the court was ordered; that this list has, from time to time, been enlarged; that subpœnas were immediately issued by the judge advocate, and seasonable measures taken to have them forwarded and served, on all the witnesses, whose names have been in any manner connected with the subject of this prosecution; that a schedule was annexed to the subpœnas, particularly directing the attention of the witnesses, to the discovery and production of all the documents, papers, and vouchers, and every material point to be enquired into, touch-

* Mr. Daniel Clark, of New Orleans.

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ing the charges against me, of being a Spanish pensioner and a conspirator with Aaron Burr;—and, moreover, Mr. President, that the form of those subpœnas, as adopted for this occasion, and signed by the judge advocate, is conceived in the following *liberal* and specific terms, viz.

"THE President of the United States having ordered a general court martial for the trial of brigadier general Wilkinson; and it being suggested that your evidence will be material in the case, and that you have in your *possession, or within your power or controul, certain papers or written evidences, tending either directly to the proof, or to corroborate or explain some of the evidence* of certain facts necessary or material to support the charges, or *some* of them, upon which general Wilkinson is arrested; I am, therefore, *authorised and directed to summon you to appear, as a witness on behalf of the United States in that case,* before the general court martial, on Monday, the 2d day of September next, at Fredericktown, in the State of Maryland, and to bring with you all the papers, documents, and written evidences, mentioned *or alluded to* in the annexed schedule, or such of them as are in your possession, power or controul, touching any correspondence, intercourse, or connexion, of the said general Wilkinson, with the colonial government of Louisiana, or with any department, officer or agent of that government, or touching any receipt of money by the said general Wilkinson, either directly or indirectly, from the said government, or any department, officer or agent of the same, by way of pension, trade, commerce, or otherwise; also, touching any plan, device, or intention, on the part of the said general Wilkinson, to co-operate with the said government; or with any department, officer, agent or adherent of the same; or with one Aaron Burr, or with any adherent or *conspirator* with said Burr, in any enterprise, plot or treason; taking care in all cases to bring with you the originals, if in your power—otherwise, the most *authentic, best attested, and most ancient*

copies of the same, that you can procure. Should any unavoidable or insuperable obstacle prevent your coming on by the time appointed, you will nevertheless proceed with the utmost expedition to arrive at the place appointed, as soon after as you can; and upon receipt hereof you will notify me at Washington whether there be any such obstacle to your appearance by the day appointed, and by what day it will be possible for you to attend.

"*I am further authorised* to assure you, that the reasonable expenses of your journey to and at the place of trial, and back again, will be defrayed by the United States. *You will also be allowed a* REASONABLE COMPENSATION FOR COLLECTING OFFICIAL DOCUMENTS RELATING TO THE CASE.

(Signed) "W. JONES,
"Acting Judge Advocate.

"SCHEDULE,

(Referred to in the annexed Summons.)

"1. The original letter in cypher from general Wilkinson to governor Gayoso, dated 22d September, 1796, marked G. G. and published in the report made on the 1st May, 1810, by the committee of congress appointed to enquire into the conduct of general Wilkinson; or, (if such original cannot be found) any document to shew what has become of it, and how and from whence the certified copy in said report was obtained.

"2. The despatch from governor Gayoso to general Wilkinson, referred to in Thomas Power's letter to the baron de Carondelet, of the 4th June, 1797, (No. 40.) published in said report.

"3. The original draught, whether in writing or in cypher, of the observations which T. Power was directed by general Wilkinson to lay before Carondelet and Gayoso, as detailed in Power's affidavit, (No. 34.) published in said report.

"4. The original and identical letters from Thomas Power, as the same were received by the several persons addressed, viz.—1st. To the baron de Carondelet, under

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the several dates of 21st or 27th June, 1796, 3d January, 9th May, and 4th June, 1797—2dly, To governor Gayoso, under the several dates of 27th June, 1796, 3d January, and 5th December, 1797—3dly. To Don Thomas Portell, dated 27th June, 1796; all published in said report under the several numbers 20, 22, 36, 40, 21, 23, 43, 15—4thly, To Don Andrew Armesto, dated 4th June, 1797, referred to and identified by T. Power, in his affidavit sworn to on the 18th March, 1809, as published in said report, page 55.

"5. The original and identical letters addressed to Thomas Power, as the same were by him received from the following persons: viz.—1st. From the baron de Carondelet, under the several dates of 23d April, 26th and 28th May, 1797—2dly, From Don Thomas Portell, dated 27th June, 1797—3dly, From general Wilkinson, under the several dates of 25th May, 1796, and 5th September, 1797; all published in said report, under the several numbers 44, 37, 38, 16, 70, 42—and 4thly, From governor Gayoso, dated 23d October, 1798, referred to by Andrew Ellicott, as having been seen by him in the beginning of November, 1798; see his deposition, (No. 19.) published in said report.

"6. The original of the baron de Carondelet's instructions to Portell, dated 20th January, 1796, (No. 14.) in said report.

"7. All the correspondence that can be procured of Thomas Power, the baron de Carondelet, governors Gayoso and Miro, Gilbert Leonard, general Wilkinson, Philip Nolan, or of any department, officer, agent or emissary of the Spanish colonial government of Louisiana, whether between themselves or with others, in any manner relating to the intercourse, transactions and connexion, whether political or commercial, between general Wilkinson and the said government, or any department, officer, emissary or agent of the same, or relating to any intrigue carried on by the said government, its officers, emissaries or agents, with any other citizen or citizens of the United States, supposed to be

united or co-operating with general Wilkinson, in any of the illicit schemes imputed to him.

"8. Any additional copy or copies of all or any of the papers, letters and correspondence in the foregoing schedule above mentioned and alluded to, purporting to have been taken from the originals; especially such copies, decypherings, translations, as are the most ancient and best authenticated, and such copies, decypherings and translations as can be shewn to have been in the hands of the person or persons to whom the originals were respectively addressed, or to have been filed or deposited in or produced from any department of the said government, any record or official cabinet, or any officer or agent of the said government, particularly any such copies, decypherings and translations of any of the letters or papers originally written or signed by general Wilkinson.

"9. Any transcripts that can be procured of the original cypher, supposed to have been used in the said letters and papers, or any of them.

"10. The original letter from governor Gayoso to Daniel Clark, dated 17th June, 1796.

"11. Any letters or papers, *no matter of what description*, in the hand-writing either of governors Gayoso, Miro, or Carondelet; of Thomes Portell, Gilbert Leonard, or Philip Nolan, which may serve to identify the hand-writing of those persons by a comparison of hands.

"12. Any copy or copies, the most anciently taken and the best attested, of a paper in said report, (No. 35.) supposed to be instructions from general Wilkinson to Thomas Power, in the hand-writing of Philip Nolan.

"13. The receipt given by general Wilkinson to John Ballinger, referred to in Ballinger's affidavit, (No. 5.) published in said report.

"14. The original account books of Daniel Clark of New Orleans, deceased—of Daniel Clark, now of New Orleans—of Clark and Rees, and of Gilbert Leonard, together with all other accounts, vouchers, and documents whatsoever, of those persons or any of them, in so far as

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the same relate, in any degree, to the dealings and transactions of general Wilkinson in Louisiana, either directly or through the agency of any other person.

"15. The key to the cypher used in the correspondence of the officers, agents or emissaries of the Spanish government of Louisiana, as well among themselves as with general Wilkinson and any other person—upon any matter relating to the said general Wilkinson, or to the United States of America.

"Lastly.—*The witness, in his research for or production of papers, will not consider himself as limited to those specified or alluded to in the schedule,* but is nevertheless to pay the utmost attention to the general requisition expressed in the summons."

List of witnesses in behalf of the prosecution, summoned by the judge advocate.

Daniel Clark	Captain George Peter
Thomas Power	Major John Darrington
John Ballinger	Col. Alexander Parker
Evan Jones	Lt. Col. Homer Virgil Milton
Francis Langlois	Captain James Gibson
Dominique Bouligny	Major Robert C. Nicholas
William Miller	Captain James Bankhead
Andrew Ellicott	Lieut. Mann. P. Lomax
Elisha Winters	Dr. W. Upshaw
James M. Bradford	William Simmons
Isaac Briggs	Captain Winfield Scott
Thomas Portell	Lieut. Simeon Knight
Joseph Collins	James S. Swearingen
Daniel W. Coxe	Major Amos Stoddert
John Adair	Robert B. Taylor
John M'Donough	Littleton W. Tazewell
Major James Bruff	John Graham.
Lieut. Col. Electus Backus	

The witnesses examined in behalf of the United States against Aaron Burr, and Herman Blennerhassett, and Jonathan Dayton, at Richmond; the evidence of which witnesses is communicated by the President of the United States.

Among the number of witnesses thus summoned, immediate and particular pains were taken to secure the attendance of Daniel Clark, by transmitting the process to New Orleans, his place of residence, and hastening a duplicate thereof to Philadelphia, where it was known he had recently been on a visit; yet, notwithstanding the extraordinary lapse of time, it is not alleged that any obstacle, or any matter of excuse whatever, has existed, to prevent his attending to the notice, although it is certain he received it. It is also proper it should be known, that although this witness and some others of the same stamp, have not ventured to attend in person, their depositions, and accompanying documents, have all been read in evidence; and that the prosecution, at this time, has had the full benefit of all the information, which those witnesses have heretofore affected to possess, and all the statements which they have rendered upon former occasions.

Of this mass of adverse testimony, to which I have alluded, there can be no doubt, a very considerable proportion is objectionable. But having been collected together, and promulgated to the world, under the sanction of the popular branch of the Congress of the United States, however cheap its circulation might have been held under other circumstances, I have thought it but respectful to the representatives of the people, to agree, that all this body of evidence, reported by their committees, should be received here at its intrinsic value, although it would impose upon me the necessity of exhibiting the credit of this evidence, at a very depreciated rate.

I mean not to detain you long, gentlemen, in inquiring what are the motives which have deterred some of the witnesses against me from attending, or why it is, that the honourable Mr. Clark himself has not, on this occasion, dared to meet the object of his insatiate hatred and malevolence; to confront the man whose character he has laboured to blast; to come here, and submit, face to face, to a cross-examination in a trial conducted, as this

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has been, in the public view, before a tribunal of impartial, independent and upright judges. Under what specious and flimsy evasion will he and his partisans be prepared to explain to the public, or by what insulting claim of superior privilege,* is it next to be accounted for, that Mr. Clark has not obeyed the usual and formal process, which so many other witnesses, both civil and military, some of them from his own vicinity, have not failed to comply with? Why is it that, instead of skulking out of view, he has not embraced this free and inviting opportunity, to corroborate and make good his allegations against me, in the eyes of the country, and to rescue his own name from the imputation of being a VILE AND INFAMOUS DEFAMER? Why is he not present to see, that justice is not cheated of its victim, and that a great state criminal, such as he has represented me to be, may not contrive to screen himself from condign punishment? Whither has fled all the mock patriotism and fortitude of this public-spirited informer? and what has become of those principles and feelings by which he was instigated, to lend his aid, in presenting me before the grand inquest of the nation? Why is the call of his country disobeyed; and all the sacred obligations of duty and character neglected and set at nought, that should have urged him to follow up a prosecution, which he had been actively engaged in exciting? It is also to be noted, that Mr. Clark himself, or (as we have been since informed by one of his† coadjutors) some other persons, under the authority of Mr. Clark's immaculate name, "HAVE

* Mr. Clark resisted the summons of the court of enquiry, held at the seat of government, in 1808, on the ground of its incompetency, although he was in congress at the time, and present.

† Daniel W. Coxe, a witness for the prosecution, on his examination in 1811, before a committee of the House of Representatives, appointed to scrutinise the character and conduct of general Wilkinson, of which Mr. Bacon was chairman, acknowledged that the book given to the public by Daniel Clark, and styled "Proofs of the corruption of general James Wilkinson, and of his connexion with Aaron Burr," "was written in Philadelphia by himself, and two others," whom the committee did not think proper he should name.

"WRITTEN A BOOK:" where is its reputed author at this exigent moment? Why is he not at hand to prove that this book is not an atrocious and pestilent libel, and that he has not sinned "in bearing false witness against his neighbour?"

I appear before you, gentlemen, a prisoner at your bar, charged with high crimes and misdemeanours, and I look around in vain for the redoubtable accuser, to whom it has been chiefly owing that I am placed in this degraded situation: did Mr. Clark imagine, that the anxiety of the public would be sufficiently satisfied, by his sending forward to this spot, a more desperate instrument of vengeance and venality? Did he expect to elude further observation, and secure the oblivion of his own turpitude, in the more notorious debasement and obdurate iniquity of Thomas Power?

It will be remembered that, after having scrutinised and thoroughly investigated all the testimony produced, and relied on by the court and the prisoner, this tribunal adjourned on the 6th of November, to meet again on the 14th, for the purpose of hearing my defence; and that, by further adjournment, the court having assembled on the 15th, I was then called upon by the president, to know if I was ready to proceed in my defence. But on the evening of the 14th of November, Thomas Power had unexpectedly arrived at this place, of which circumstance I was apprised the next morning, a few minutes before the court assembled. When called upon by you, Mr. President, as already remarked, although I should otherwise have offered myself as instantly ready to proceed, I conceived it incumbent upon me to address the court with all the earnestness I could, to beseech them (that nothing might be left for cavil) to rescind their former resolution, which would have precluded the introduction of Power's testimony at that late period; to hear any thing and every thing which this man might be prepared to offer, and also to admit the evidence of another witness for the prosecution, recently arrived; I mean colonel Ballenger, to whom I ought to apologise for accidentally

Thomas Power's arrival, and his admission as a witness for the prosecution.

His disgraceful conduct.

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mentioning his name in the same breath, after the very honourable and candid manner in which his testimony has been delivered to you. The court was pleased to assent to my request; Thomas Power made his appearance, and was fairly and fully heard. The particular points of his examination, which I believe occupied four days of your attention, will be incidentally noticed in a subsequent part of this defence; but I cannot refrain from adverting to the shocking depravity, which his manner and whole deportment, as a witness, has betrayed to the public view, and the furious, undisguised, diabolical malignity with which his purposes have been expressed. Addressing himself to me, on the very first day of his introduction to your presence, out of his own lips, gentlemen, the malice of his heart has been pronounced; you have heard him declare that he must "STAB OR BE STABBED;" and, in a laboured attempt to palliate his own manifold and scandalous contradictions of himself, you have heard him confess, that he came forward, to use his own words, "FULL OF ANIMOSITY, "FULL OF INDIGNATION," and he seemed determined to go the lengths which Mr. Clark had proposed to him.

The insidious manner in which Messrs. Randolph and Clark brought before Congress their charges against general Wilkinson.

Before I enter, Mr. President, into a particular discussion of the two first charges, and their numerous specifications, imputing to me a long, continued, corrupt, and illicit connexion with the Spanish government, I must observe, that, as the introduction into congress of this matter of enquiry, was the entering wedge or ground work for all the other enquiries, from whence an enormous load of obloquy has since grown, until it has been at last shaped into its present legal form and pressure, under many diversified charges and specifications; it may not be improper to advert to the manner, in which the *first* great subject of accusation was originally communicated to the house of representatives. It sometimes happens that as much, and perhaps more, may be deduced from the MANNER in which a witness swears, as from the MATTER which he relates; and it is on that account peculiarly to be regretted, that Daniel Clark should

not have found it convenient to appear before this court. With respect to the manner in which this subject was ushered into congress, I have in my possession an extract from the printed report of that day's proceeding, which is fully confirmed by the evidence that has been given to this court by general Nelson, who was at the time a representative in congress from Maryland. It is not necessary to go into a minute detail; but the court will observe, that Mr. John Randolph, from Virginia, (who made himself my prosecutor) in his speech introductory to the resolution which he brought forward, for an enquiry into this subject, on the 31st of December, 1807, (after reading several documents which will be noticed hereafter) stated to the house "that he had good cause "to believe, that there was a member of their body, who "had it in his power, *if the authority of the house were* "*exercised upon him, if he were coerced, to give the house* "*much more full, important, and damning evidence, than* "*that which had already appeared! He alluded to the gen-* "*tleman from New Orleans, Mr. Clark, whom he had the* "*pleasure to see in his seat.*" Mr. Clark, it seems, was not in his seat when Mr. Randolph commenced his speech, but he came in before the motion was concluded, and, according to the printed report, he rose and addressed the Speaker to the following effect.

Mr. Clark said, that "*he unexpectedly heard himself* "*named, and he would observe, that it had been long sup-* "*posed, from his residence in Louisiana, his acquaintance* "*with military officers, and the various means of informa-* "*tion which he might have possessed while consul at New* "*Orleans, that he was acquainted with certain transactions* "*which had taken place in that country. The knowledge* "*which he had possessed he had endeavoured to impart to* "*the administration at different times, both verbally, and* "*by a written correspondence, to which a deaf ear had* "*been turned. As this information had not been attended* "*to, he had refused to gratify curiosity on the subject, and,* "*notwithstanding the gentleman's calling upon him, he felt* "*himself bound to say, that he would not be influenced by*

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"fear, favour, or affection, to give any information on the "subject, except compelled by a resolution of the house." In regard to the latter part of Mr. Clark's statement, I shall dismiss it by observing, that it was directly and publicly contradicted by the president of the United States, in his message to congress of the 20th of January, 1808; and I shall make no other comment on it, than to remark, that as Mr. Clark declared, he had endeavoured to impart to the administration his knowledge of certain transactions in Louisiana, (meaning my corrupt transactions with Spain) to which a deaf ear had been turned, and that this endeavour on his part, had been made at different times, both verbally "and by a written "correspondence," it is somewhat singular that he should not have preserved any copy of that correspondence, or that he should not yet have exhibited to the public any testimony to corroborate his statement.

Such, however, was the substance of Mr. Clark's grave and formal address; and, as general Nelson has emphatically represented to this court, *"every body would have "concluded, from Mr. Clark's manner, that the call on him "by Mr. Randolph, was unexpected, and that he did not "think himself well treated by it."* General Nelson is positive that Mr. Clark did expressly state that it was *"unexpected to him."*

To prove, gentlemen, the errant falsehood and despicable artifice Mr. Clark practised against me, in the very introduction to these charges—to show you, that, instead of being unexpected or unwelcome to him, the part he was "CALLED UPON" to act, in the opening of this insidious plot, against the happiness and honour of a soldier's life, had been all deliberately preconcerted, and probably conned over in his memory;—and to afford you a striking illustration of the mischievous and dishonourable duplicity, the sly, dexterous imposture, in which this *squeamish* witness, and his high-minded prompter, Mr. John Randolph, have shewn themselves such capable and accomplished actors, and of which I was to be the unsuspecting, ill-fated sacrifice, it would be sufficient for

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A glance at Robert Goodloe Harper's testimony, in its application to his right worthy friend Mr. Clark.

me to refer you to the deposition of Robert Goodloe Harper, esq. taken on the part of the prosecution, which will be found at large in the third report of the committee of congress. From Mr. Harper's answers* to the 9th and

* Extract from the deposition of Robert Goodloe Harper, esq. See third report of committee of congress, Mr. Bacon chairman, page 137.

Question by general Wilkinson, No. 9.—"Had you any knowledge "of the documents delivered by John Randolph, esq. to the house of "delegates of the Congress, calculated to criminate general Wilkin-"son for an illicit connexion with the Spanish government, previous "to their exhibition by Mr. Randolph, and know you from whom Mr. "Randolph received those documents?"

Answer.—"After the trial (of col. Burr at Richmond), he (Thomas "Power) passed through Baltimore, on his way to Philadelphia, and "called on me, to deliver a letter of introduction from a gentleman "in New Orleans, not Mr. Clark. I asked him to dine with me, in a "family way, and he came. During the dinner he told me that gene-"ral Wilkinson had violated a solemn engagement with him, by pub-"lishing a certificate obtained from him, under a promise that it "should be communicated to no one but the President; that this "certificate was given at the most earnest solicitation of general Wil-"kinson, and to enable him to satisfy the mind of the President; that "the publication of it, at a time when general Wilkinson knew that "he (Power) was summoned as a witness in Burr's trial, was calcu-"lated to injure the reputation of him (Power), by holding him up "as a person who had certified one thing, and was ready to testify an-"other; that for the justification of his conduct, and the support of "his character, he was determined to publish the whole affair, with "documents in his possession to support his statement, if he could "procure the permission of the marquis de Casa Yrujo; and that he "was going to Philadelphia for the purpose of obtaining such per-"mission. Having conceived a very ill opinion of general Wilkinson's "public and political integrity, from the facts and circumstances "which had then become public, I took some pains to obtain from "Power all the information that I could, respecting these transac-"tions between general Wilkinson and the Spaniards. But he would "state nothing more particular than is above related.

"I some time afterwards learned, not from Mr. Clark, but from a "gentleman with whom we were both intimate, that Power had not "been able to obtain the desired permission from the late Spanish "minister; but had left his papers, with a narrative in writing of the "whole transaction, in the possession of Mr. Clark, with permission "to use them as he might think proper. I never spoke to Mr. Clark "respecting those documents and narrative; but I told the gentleman "who communicated the matter to me, that as Mr. Clark was now a

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last interrogatories, it is sufficiently clear, that Mr. Clark, in stating to the house that the appeal made to him by Mr. Randolph was unexpected, did in fact state what the circumstances do necessarily contradict and disprove; for that the documents, read by Mr. Randolph, had been furnished by Thomas Power to Daniel Clark; and that Clark himself had advisedly and purposely delivered them to Mr. Randolph: so that in affecting a fastidious reluctance and surprise at being called upon to give further information to Congress, it must be evident that Mr. Clark was guilty of a scandalous deception; and in declaring the call upon him to be "unexpected," he was guilty of a flagrant and wilful falsehood, to which John Randolph was an accessary. But there is no longer the least necessity for drawing inferences of this nature from

"representative of the people, and general Wilkinson in a situation "where treachery and corruption might prove in the highest degree "detrimental to the public interest, I thought it Mr. Clark's duty to "make the matter known to Congress, so that an enquiry might be in- "stituted into general Wilkinson's conduct. I did not then know the "particular nature of the documents, nor that Mr. Clark had himself "any knowledge of general Wilkinson's pecuniary transactions with "the Spanish government. This gentleman, however, then informed "me, that Mr. Clark had much knowledge of this kind, but did not "state the particulars. I added, that if Mr. Clark thought it best, he "might make the communication through Mr. Randolph, but that it "was my decided opinion, that it was his duty to make it, in some "way or other; and I authorised and requested that gentleman to "state this to Mr. Clark as my opinion and advice. This the gentle- "man afterwards informed me that he had done, immediately after "his return to Washington, where Mr. Clark then was. I heard no- "thing more of the matter till I received from Mr. Lloyd, of this state, "a copy of Mr. Clark's first communication; nor did I ever see the "documents till they appeared in print.

"I believe that Mr. Clark delivered the documents to Mr. Randolph, "and that he did so in consequence of my advice and persuasion."

Being asked by general Wilkinson—"Who the gentleman was, that "is alluded to in his answer to the 9th interrogatory?" He answers, "It was Richard Reynale Keene, esq. formerly of New Orleans, and "now in Cuba. I received from him the information of Mr. Clark's "knowledge, and possession, of the documents in question, and it "was through him that I communicated the advice to Mr. Clark, as "stated in my answer to the 9th cross-interrogatory."

any extrinsic evidence, since the court is now in possession of the confessions of the party himself in his own hand writing, written a few days after the event occurred, disclosing to one of the confederates, all the motives, circumstances and objects, of my denunciation on the floor of Congress. You will at once perceive, gentlemen, that I allude to the two letters from Daniel Clark to Thomas Power, dated from the city of Washington the 2d and 9th January, 1808. These letters, you will recollect, were produced by Power at the close of his long examination before this court. In labouring to reconcile and gloss over the vile and contradictory part, which he himself has been employed to act, Power had alleged that the papers which he left with Clark, and which Clark had delivered to Randolph, WERE THUS MADE USE OF, CONTRARY TO HIS EXPRESS STIPULATION WITH MR. CLARK: and in proof of this, when asked by the judge advocate if he had any documents in his possession to the point, he produced and laid upon your table the two letters just mentioned. In the disorderly attempt which he immediately afterwards made, to withdraw the letters from the custody of the court, it became necessary for me to apply for your interference, Mr. President, and they were restored in obedience to your order. I shall be excused for inserting copies of them at full length in this part of my defence, because they will not only unveil the abominable motives by which this prosecution was originally impelled, but they will also point to those iniquitous and detestable means by which my ruin was to be accomplished. CHAP. II.

"*Washington, 2d January*, 1808.

"My dear Friend,

"The die is cast, and Wilkinson is accused before the House of Representatives; or rather, Randolph has brought forward a resolution to have an enquiry made into his conduct, which must end in disgrace and shame. The business originated thus: Wilkinson, after a consi-

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derable lapse of time, challenged Randolph on the 29th of last month. Randolph refused to meet him, on the principle that Wilkinson had degraded himself, and that he (Randolph) would not descend to Wilkinson's level. Wilkinson immediately posted Randolph; and the whole party in Congress, which has constantly approved the presidential measures, seemed to glory on the occasion, and could not contain their triumph. Things had now come to a crisis: *Randolph or Wilkinson must fall;* and if the former, every thing and every one would have been borne down by the latter, and his *patriotism* even would have been blazoned in letters of gold. It would ever after have been in vain to have entertained a thought of *self defence against such a giant.* There was I thought but one remedy, *and that was a desperate one.* I had hitherto retained in my possession, your address to the public respecting the general, which it became, as you know yourself, incumbent to publish for your own justification; and I put it into Randolph's hands with two other papers of those you had committed to me, *neither of which, however, appears, by any thing on the face of them, ever to have been in your possession.* They are, first, *a copy* of Wilkinson's cyphered letter to governor Gayoso, and secondly, *a copy* of a letter from the baron de Carondelet to Portell respecting the transmission of the $9640 to him for Wilkinson's account. These two papers became absolutely and essentially necessary to support your own statement, and with this view only did I put them in Randolph's hands. He then brought them forward, and stated to the house that a member of it could give more damning information—I was named—I rose; but conscious that any thing I should then say would pass *merely as a speech,* and would be subject to the same cavilling as any other, I refused to give any information unless compelled by the house; stating as a reason, that all *former attempts to inform the president of certain transactions in Kentucky had been disregarded. This implied a knowledge of facts; and I shall, if an enquiry be made, be compelled to give testimony on oath, which is what*

I desire, when its effect will be greater by its appearing not to be offered voluntarily, AND GOD KNOWS, I NEVER WOULD WISH TO COME FORWARD VOLUNTARILY AND ACCUSE HIM.

" Wilkinson, I am informed, declares all the papers forgeries, and intends resting his defence on tobacco speculations. He has various forged documents for this purpose, or rather certificates, from Gilbert, and Folch, and others: his confidence will betray him to his ruin, *and you can easily effect it.*

" When his papers and documents are presented, *I shall have it suggested* that it would be well that he should furnish his invoices of the shipments, and the names of the patrons boats by which they were made, and the time when they were made, with the time of the sale: this must *embarrass* him, and as all he can allege on this score must be false, he can have no other scape hole than a pretence that his books and papers are lost.

" In this case, as he will have no proof to bring, we shall be *allowed* to bring what may be called *negative proof* to contradict his assertions.

" It is a well known fact, that Wilkinson has made no tobacco shipments since the year 1791; and I even believe since the year 1790, as at the end of 1791, Nolan, his confidential friend, left his service and went to San Antonio. To prove with certainty that these shipments were not made, or if made that they never were sold to the Spanish government, you have only to call upon Don Matias Alfuente, the inspector of tobacco, who has been in office as I believe since 1792, and he will give you a certified copy from his books, or an affidavit, that no tobacco was purchased or inspected by him or entered the king's stores, from Wilkinson or any of his agents, during the time he has been in office. This time he must clearly state, and from his books or other vouchers, he must give you a copy of all the quantities of hogshead or Kentucky tobacco bought by the king in his time. I have reason to believe that a parcel which I myself sold in the beginning of 1794, was the last parcel ever delivered of

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"Request Relf to assist you, who can be of material service, and write to Minor for such further intelligence as he can give. It is all important to us, for you and I, and every one else who knows any thing of Wilkinson's nefarious transactions, will be sacrificed if we do not now effectually prove his guilt.

"*For heaven's sake, my dear friend, lose not a moment; time is pressing; and let what you do be well done.*

"If Bradford or the Browns can be of any service, now is the time to come forward: he has accused them all, and self defence will render a disclosure of all his villanies justifiable.

"I shall expect to hear from you without delay on this subject,

"And remain, dear Sir, very sincerely,

"Your friend,

(Signed) "DANIEL CLARK.

"*Thomas Power, Esq.*"

"*Washington, 9th January,* 1808.

"My dear Friend,

"The storm *has burst on our poor devoted heads.* Randolph's resolution calling on me to give information with respect to Wilkinson's being a pensioner, has been the signal for all the ministerial party to make a dead set at both of us. When your appeal to the public came out, it became essential for me to support your statements: I have been attacked in my turn, and our common enemies talk even of *expelling me by a vote from the House of Representatives.* I shall, to save us both, be obliged to make use of your vouchers, and *happy if a prudent use of them* CAN *save us* BOTH *from the imputation of being vile*

calumniators. It is a fortunate circumstance for us that Vidal, who was Gayoso's secretary, is now in New Orleans. If you and some others of my friends see him, you *might* get from him many important things: at any rate, you will *prevent him* from committing himself by giving *certificates to clear* Wilkinson, *the falsity of which we might easily afterwards prove.* Write to Minor that he may not be entrapped, and see Watkins to inform him of what is going on. I am to give a statement of what I know to the house on Monday the 11th, and it will be a *deadly blow* to the partisans of Wilkinson. CHAP. II.

"I beg of you to write to me without delay, and inform me of such further particulars as I am unacquainted with. *All reserve, all caution, is now useless.* We are devoted to destruction by the whole presidential party, and *self defence will authorise* ANY *measures we may take;* indeed we are bound to take all within the scope of our *means and power.*

"Every thing that human ingenuity can conjure up will be employed against you and me. We are now united either *in fortune or misfortune,* and nothing but our joint and greatest efforts can save us. THINK OF THIS, AND SERVE ME TO SAVE YOURSELF.

"Yours, most sincerely,

(Signed) "DANIEL CLARK.

"*Mr. Thomas Power.*"

The indignation and disgust which will be felt by every man of honest and ingenuous mind, in the perusal of these letters, will naturally produce a train of reflections to which prejudice itself will not be insensible, and by which justice may be fairly measured to the accuser and accused. Observations applied to these letters of Clark to Power.

Two days only before the date of Mr. Clark's first letter to Power, when referred to by Mr. Randolph in the House of Representatives for his knowledge of facts, he stated that the reference was unexpected to him; and, with apparent reluctance, if not an air of displeasure, he declared *that he felt himself bound to say, notwithstanding*

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the gentleman's call upon him, that he would not be influenced to give information "unless compelled by a vote of the house." This was on the 31st of December, 1807; and, on the 2d of January following, (only two days after,) he writes to his friend and confidant Thomas Power, that he had himself "PUT THE PAPERS INTO MR. RANDOLPH'S HANDS, AND THAT TO BE COMPELLED TO GIVE INFORMATION ON OATH WAS WHAT HE DESIRED, WHEN ITS EFFECT WOULD BE GREATER BY APPEARING NOT TO BE OFFERED VOLUNTARILY." After this disclosure, what stigma is there which might not be justly applied to the unmanly, treacherous disguise, thus assumed by Mr. Clark for the most wanton and flagitious of purposes? and how will the chivalrous Mr. Randolph acquit himself of the vindictive, dishonourable concert? If, gentlemen, Mr. Clark had not described his own proceedings as the feigned hesitation of perfidy alone, we might, perhaps, have supposed him to have been not yet inaccessible to some slight compunctious visitings of conscience; and might have attributed his manner, at that moment, to the perplexity and trepidation of fear and remorse. It is not, however, unreasonable to ask, whether such a witness does not come, in worse than a questionable shape, and whether any man who is worthy to be believed, would not have disdained to mask his vindictive purposes under so sinister a collusion. But what were the motives and objects of all this contrivance, as detailed to Power by Mr. Clark himself? Does he say that the steps which he had taken for my destruction, originated in any principle of public duty or political integrity? or, that they proceeded from any concern for the safety, the honour, or interests of the nation? No, gentlemen, this is not even pretended; but, in unbosoming himself to Power, as an apology for the use to which the papers had been applied, Mr. Clark informs him, that THE CIRCUMSTANCE OF MY CHALLENGE TO MR. RANDOLPH, HIS REFUSAL TO FIGHT, AND MY IMMEDIATELY POSTING HIM, HAD GIVEN A SORT OF TRIUMPH TO THE PARTY IN CONGRESS, WHICH APPROVED THE PRE-

SIDENTIAL MEASURES; "THAT THINGS HAD NOW COME TO A CRISIS; RANDOLPH OR WILKINSON MUST FALL, AND IF THE FORMER, EVERY THING WOULD HAVE BEEN BORNE DOWN BY THE LATTER, AND HIS PATRIOTISM WOULD HAVE BEEN BLAZONED IN LETTERS OF GOLD. IT WOULD EVER AFTER HAVE BEEN IN VAIN TO HAVE ENTERTAINED A THOUGHT OF SELF DEFENCE AGAINST SUCH A GIANT." The terrors of Mr. Clark's imagination being thus awakened, his conscience perhaps alarmed by the remembrance of certain associations of interest growing out of Burr's conspiracy, his pride and self importance operating equally with his animosity, his fears, and interests, he next betakes himself to the most safe and prudent means for disarming and crippling "THE GIANT" whom his fancy had endowed with such overbearing domination. He tells his friend Power, in the first letter, "THERE WAS, I THOUGHT, BUT ONE REMEDY, AND THAT WAS A DESPERATE ONE. I PUT YOUR ADDRESS TO THE PUBLIC, RESPECTING THE GENERAL, INTO MR. RANDOLPH'S HANDS, WITH TWO OTHER PAPERS OF THOSE YOU HAD COMMITTED TO ME; NEITHER OF WHICH, HOWEVER, APPEARS, BY ANY THING ON THE FACE OF THEM, EVER TO HAVE BEEN IN YOUR POSSESSION;" and in the second letter he addresses Power in the same strain: I SHALL, TO SAVE US BOTH, BE OBLIGED TO MAKE USE OF YOUR VOUCHERS; AND HAPPY, IF A PRUDENT USE OF THEM CAN SAVE US BOTH FROM THE IMPUTATION OF BEING VILE CALUMNIATORS."—That the expedients which were resorted to, in the first instance, and which have been relied upon for my conviction—that all those "vouchers," of which forgery and perjury have been so prolific, was indeed but "*a desperate remedy*" for Mr. Clark to apply to, I believe will be generally acknowledged; nor can it now be doubted, that he and his minion might consider themselves happy, if a more "prudent use of them" had saved them both from the well-merited "IMPUTATION OF BEING VILE CALUMNIATORS." Having worked upon the apprehensions of Power, by a prospect of the mutual dangers to which they would be

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exposed, in the progress of their nefarious plot; having soothed the pride and inflated the hopes of Power's heart, by the representation of a common interest between them, and by a common destiny, by which they were "*now united either in fortune or misfortune*," and having intimated to him the advantage of inlisting other auxiliaries in the same service, and that "NOW WAS THE TIME," FOR ALL THOSE WHOM I HAD "ACCUSED TO COME FORWARD," for the sake of "SELF DEFENCE," to crush me by the combined weight of their revenge;—the honourable Mr. Clark then proceeds to instruct Mr. Power upon the subject of procuring further testimony to convict me: and he intersperses some very pertinent and impressive hints of improvement, which experience has manifested to us, were not lost upon the ingenious and convenient Mr. Power. In the first place, it seems to have occurred to Mr. Clark, that probably my books and papers were lost; and that I should be thus materially embarrassed, in the explanations which his artifice might render necessary for my defence. "*In this case* (says he) *as he will have no proof to bring, we shall be allowed to bring negative proof to contradict his assertions.*" Power is fully and particularly advised, in both letters, of the species of proof which might eventually be wanted for their purpose; and having whetted his zeal and ingenuity by every possible allurement, having urged and pressed him, in the first letter, with this portentous and awful injunction, "FOR HEAVEN'S SAKE, MY DEAR FRIEND, LOSE NOT A MOMENT; TIME IS PRESSING, AND LET WHAT YOU DO BE WELL DONE"—at the conclusian of his second letter, lest the solemn appeal, thus impiously made to heaven, might not operate quite as effectually upon Power as an appeal to his own selfish interests, Clark again admonished him in these parting words, "NOTHING BUT OUR JOINT AND GREATEST EFFORTS CAN SAVE US—THINK OF THIS, AND SERVE ME TO SAVE YOURSELF." In these efforts to establish their credit upon the ruin of my character, Mr. Clark had, previously, taken care to stimulate and encourage Power by the certain assurance of

success. He had calculated that innocence would afford but feeble protection, against the assaults and stratagems of the powerful cabal which was then forming to destroy me; and he seems fully to have expected, that the boldness and frank impetuosity which innocence inspires, by throwing me imprudently off my guard, would present an advantageous opening for the vengeance of Power and himself, to aim a mortal stab at my reputation. With what unrelenting, cold hearted malevolence does he exultingly observe to Power, "WILKINSON'S CONFIDENCE WILL BETRAY HIM TO HIS RUIN, AND YOU CAN EASILY EFFECT IT."

Remarks on the manifest absurdity of charging general Wilkinson with being a Spanish pensioner.

As I am now about to enter, Mr. President, as far as may be practicable, into a detailed examination of all the evidence before the court, relative to the specifications of the 1st and 2d charges, there is one general remark that occurs to me, as applicable to every part of it, which I hope you may constantly bear in mind. The particular circumstance to which I allude, is this; that, while I am charged with having been in the regular receipt of a stipend from the court of Spain, and various sums have been specified to have been paid for me, on account of a pension from the year 1789 down to the year 1804 inclusive, it is worthy of observation, that neither in the whole course of that period, nor at any other time, amidst the frequent temptations of a crisis, in which the interests of Spain and the United States have been brought into collision, has it been proved, or even attempted to be proved, that I have ever taken a single step, calculated to promote or gratify the views of Spain; or that I have, directly or indirectly, rendered any service to the Spanish government, in return for the thousands and tens of thousands of dollars, which it is *represented* they were so profusely squandering for my benefit and aggrandisement. There is not the slightest vestige of any effort on my part, to carry into effect any of those treasonable or unlawful projects, of which I am accused; nor is there imputed to me, a single instance of any neglect, omission or violation of duty, or disregard of those sacred obliga-

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tions which a citizen and a soldier owes to the government of his native country. It would seem, therefore, that instead of promoting any project of disunion, or plan hostile to the government of my country, if I have been bribed by Spain, it has been to preserve my allegiance inviolate to the United States; and that a foreign government has been generous enough to step forward and pension a poor veteran of the revolution, in order to continue him faithful in his attachments and his services to his country;—to that country, whose sovereign rights, as an independent power, several of you, gentlemen, as well as myself, some thirty or thirty-five years ago, fought and struggled hard to establish and maintain.

Having premised these introductory remarks, I shall proceed, gentlemen, to investigate the evidence on both the charges against me, relative to the Spanish pension; considering the tenor and substance of the several offences, specified under them, in one general view. That I might be prepared in time to meet the occasion, I have been obliged to avail myself of the greater part of my defence, upon the matter of these charges, in the same shape in which it was laid before the court of enquiry. Whatever was superfluous in it, I have endeavoured to reject;—wherever new proof has been offered, I have not failed to give it particular examination; and my object has been to elucidate the whole argument, by inserting such incidental and additional observations, as have been deemed the most material and appropriate. The documents will, therefore, be taken up in the order best suited to this arrangement; but, in the course of this defence, it will be found, I trust, that due notice will be taken of every particle of testimony, to which any degree of importance can be attached.

CHAPTER III.

Imputed letter of Baron Carondelet to Don Thos. Portell.—Power's testimony respecting the same.—Declaration of Governor Folch on the same subject.—Deposition of Captain Bowyer respecting Power.—Second budget of Messrs. Randolph and Clark presented to Congress.—Mr. Clark performs the complex duties of Accuser, Witness, and Expositor.—Power's letter to Portell quoted.—Curious instructions to Power, ascribed to General Wilkinson.—Letter of Baron de Carondelet to Power examined.—A forged letter, alleged to have been written by General Wilkinson, to Governor Gayoso.—Governor Folch's declaration respecting the same.—Power's narrative of his visit to General Wilkinson in 1795.*—Letters of Philip Nolan referred to.—His death and character.—Samuel P. Moore's deposition.—The correspondence with Governor Gayoso noticed.—Letter from Thomas Power to the Baron de Carondelet compared with his (Power's) deposition and examination.—Silas Dinsmore's deposition respecting Power.—Extract from Power's letter to General Wilkinson, February* 6*th,* 1803.*—Governor Claiborne's declaration respecting Power.—Power's note to General Wilkinson, dated Sunday morning.—Ditto to same, dated* 16*th May,* 1807*, with his certificate.—Power's narrative to Governor Gayoso of his visit to Kentucky and Detroit, dated December* 5*,* 1797.*—Depositions of Major Russell, George Mather, esq. and Colonel William Wykoff, touching the characters of Daniel Clark and Thomas Power.—Power's application to General Wilkinson for the loan of* $500*, March* 8*,* 1807.*—Dr. Pendergrast's deposition.*

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In entering upon a discussion of the merits of the first and second charges, and their specifications, I beg leave to call the attention of the court to the copy of a

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letter* said to have been written by the Baron de Carondelet to Don Thomas Portell, to which a paper, alleged to be a translation of a certificate from the said Portell, dated at New Madrid, on the 27th of June, 1796, more that fifteen years since, is attached. And I pray the court to bear in mind, that this letter and certificate are the same referred to in the first letter of Mr. Clark to Thomas Power, and were furnished by Power to Mr. Clark, and by him delivered to Mr. Randolph, who presented them to the House of Representatives.

This document carries with it no circumstance of authenticity as it relates to me; and were it duly authenticated, it certainly could not be fairly employed to criminate me. It is altogether improbable, had the money alluded to been intended for corrupt purposes, that the Baron de Carondelet would have exposed my name to his subalterns; and wherefore should Portell (a Spanish officer) give a certified copy of the Baron's note to Power, contrary to all usage in military service, and without an apparent motive? With what design could this certificate have been given in June, 1797, the period of its date? What purpose was it intended to answer? What possible

* Translation of a letter said to be from the Baron de Carondelet, Governor of Louisiana, to senior Don Thomas Portell, commandant of the Spanish post of New Madrid on the Mississippi.

"In the galley the Victoria, Bernardo Molina, patron, there have "been sent to Don Vincente Folch nine thousand six hundred and for-"ty dollars; which sum, without making the least use of it, YOU WILL "HOLD AT MY DISPOSAL, TO DELIVER IT AT THE MOMENT AN ORDER MAY "BE PRESENTED TO YOU by the American general Don James Wilkin-"son. God preserve you many years.

"*New Orleans, January 20th*, 1796.

(Signed) "THE BARON DE CARONDELET.

"*To Senior Don Thomas Portell.*"

"I certify that the foregoing is a copy of the original to which I "refer.

"*New Madrid, 27th June*, 1796.

(Signed) "THOMAS PORTELL."

See Report of the first committee of Congress, of which Mr. Butler was chairman, May 1st, 1810.

advantage could Power, or any other person, have promised himself *at that time* from this certified copy of the baron's letter? or what use was Power to make of it?—The human mind cannot conceive any adequate motive, for this most extraordinary departure from all usage; by which Portell would have exposed himself to the resentment of his superior, and could have acquired nothing by the risk. Suffer me, gentlemen, to draw your attention to the written and solemn declaration of Governor Folch on this point, which will be found in the third report of the committee of Congress, of which Mr. Bacon was chairman, page 47, wherein he observes that "*the letter addressed by the Baron de Carondelet to Don Thomas Portell, published in the newspapers, he considers a genuine one, except the phrase which expresses that 9640 dollars that were sent to him, in the galley called the La Victoria, to the Chickasaw Bluffs, were to be at the disposal of General Wilkinson.* That the said letter, with others, came under his address for Don Thomas Portell, with an order from the Baron de Carondelet, that after informing himself of the contents thereof, to send them to the said Portell, which was done; and he remembered, *that in none of them was mentioned the name of General Wilkinson, directly or indirectly;* that he does remember to have received those nine thousand and odd dollars, but cannot recollect precisely the exact sum; that it is perfectly in his memory that the total sum was distributed in the following manner: five thousand and odd dollars for the post under his command; two thousand and odd for New Madrid; and the remainder for the Illinois; which sums were sent to the above places under his order." In corroboration of the declaration of Governor Folch, I will suggest to you, gentlemen, that had the money sent to him been intended for me as a pension, it would have been entirely superfluous for the Baron de Carondelet, to have introduced my name into the written order to Portell; wherein he is made to say, "*you will hold the money at my disposal, to deliver it at the moment an order may be presented to you*"—why should he have added "*by the American general Don*

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James Wilkinson?" since such addition was totally unnecessary, and could only serve to expose my connexion with Spain.

The services I could have rendered Spain, would have been precisely in proportion to my reputed standing and patriotism as an American; therefore, admitting I had been a traitor, it was all important to conceal it from the world: judge then, gentlemen, whether it be probable, that the Baron de Carondelet would have introduced *my name in an* official mandate to an inferior officer, when there was no necessity for doing so. There is, also, a palpable absurdity in the conclusion of the letter, as it now stands, in which my name is introduced, compared with what is previously said about the disposal of the money; and the very direction which is contained in it, when contrasted with Mr. Power's statement in regard to it, furnishes proof, that the passage wherein allusion is made to me, has been forged. Speaking of the money, the baron is made to say, "hold it at my disposal, to deliver at the moment that an order may be presented to you by *the American general Don James Wilkinson,*" which is a positive injunction on Thomas Portell, not to suffer the money to go out of his hands, without an order from the Baron, which must be presented by General Wilkinson.

But Mr. Power avers, that "he (Power) did receive 9640 dollars from Portell for General Wilkinson," which would have been a direct violation of the Baron's injunctions, unless he had an order for that purpose, and such order must have been delivered to Don Thomas Portell, as evidence of the authority which Power had to receive the money, and as a voucher to the said Portell for delivering it; why, then, has not that order, or a copy of it, been produced? Such a document would have been much more in point against me, than that now under discussion, which, taking away the forgery, has no relation to me. But let us suppose, for a moment, that the original order of the Baron to Portell did contain my name; it would be no proof of my having received a pension or

money for corrupt purposes; it would only have proved that so many thousand dollars were placed in the hands of Don Thomas Portell for my use; and, admitting it to have been so, why might it not have been on account of former commercial engagements, as well as for a bribe? for I can refer to the statement of Mr. Clark himself to the secretary of state, made in 1797, and presented by Mr. Jefferson to the House of Representatives in 1808—to the deposition of Oliver Pollock*—and to the letters and accounts of my former agent, Philip Nolan, which have been received in evidence by this court, to show the nature and extent of my mercantile connexions with the government of Louisiana; and I could appeal even to Thomas Power's declaration to Captain Bowyer†, made in the year 1799.

* See Appendix, No. I.

† Deposition of Captain John Bowyer, late colonel of the 5th regiment of infantry. (Third Report of the committee of Congress, Mr. Bacon chairman, page 68.)

Who being duly sworn on the Holy Evangelists of Almighty God, declares and says—"That he was appointed to the command of the escort for the commissioners on the part of the United States, to run the boundary line between the said United States and Spain, on the twenty-second day of October, in the year of our Lord one thousand seven hundred and ninety-eight, and continued in command of the same until the month of March, in the year of our Lord one thousand eight hundred; and that a certain Thomas Power was the surveyor and commissary for the commissioners on the part of Spain.

"That in the month of May or June in the year 1799, at the commissioners' camp on the Escambe river, a conversation was introduced, relative to the legality of the late General Wayne's despatching Lieutenant Steel, for the purpose of searching and overhauling the letters and property, on board of private barges ascending from New Orleans; that the said Thomas Power strenuously opposed such measures as both illegal and unjustifiable; that the said deponent observed, the reason that the said Lieutenant Steel searched his (Thomas Power's) boat was, that a report was current he had money on board for general Wilkinson from the Spanish government, which the said Power in a solemn, sacred and positive manner denied; and further declared, that his business in Kentucky was not with General Wilkinson, but of a private mercantile nature: and further this deponent saith, that whensoever a conversation arose touching the aforesaid subject, that the said Thomas Power ever and always denied General Wilkinson's

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My adversaries, in truth, after they had furnished their first set of papers; when the affair had been somewhat canvassed by the public; perceived the defect which exposed them to detection: and it became necessary for them to explain, in some way or other, the mode adopted by Power for procuring the money from Don Thomas Portell, without an order from General Wilkinson: accordingly, just before the close of the session of congress, in which that subject was brought forward, Mr. Daniel Clark, supported by his patron Mr. Randolph, came forward with another set of papers; and it is a singular fact, which should not escape observation, that Mr. Clark, soon after his first attack on me, abandoned his seat in Congress, where he attended but seldom, and rarely more than three or four days at a time, until a few days before the adjournment, when, after he had actually obtained leave of absence, had embarked his baggage at Philadelphia for New Orleans, and the vessel had fallen down the river to Newcastle, he suddenly returned to Washington and resumed his seat; and two or three days before the adjournment of Congress delivered his second budget, the chief object of which was to bring before Congress, the fabricated correspondence between Power and Portell.*

Messrs. Clark and Randolph's second budget introduced and examined.

It will be observed that, on this occasion, Mr. Clark discharged the complex office of accuser, witness, and expositor: "The object of this correspondence (says

having any property on board his barge in cash, bills, or merchandise of any kind whatsoever.

"Further this deponent saith, that the said Thomas Power observed, that he believed money was due from the Spanish government to General Wilkinson, for tobacco that had been deposited in the king's stores in New Orleans, which had been supposed to be damaged and unsaleable, but which turned out to be merchantable.

(Signed) "JOHN BOWYER, *Capt. 2d U. S. Regt. Inf.*"

"Sworn to and subscribed before me John Wall, judge of the quorum and justice of the peace for Wilkinson county, Mississippi Territory, this fifteenth day of February, 1808.

(Signed) "JOHN WALL."

* See 1st Rep. Com. Cong. W. Butler chairman, p. 31 & 36.

Mr. C.) seems to have been to furnish Portell the means of explaining to his superiors, his motives for delivering the money without a written order." I have no doubt, gentlemen, that this correspondence, between Power and Portell, was framed expressly for the purpose of explanation; and that it was done at the instance of Mr. Clark; for ample time had elapsed for communicating with Power at New Orleans, between Mr. Clark's first report and last exhibit; and the court will remember, that in Clark's pressing letter to Power, dated 2d January, 1808, he thus conjures him—*"For heaven's sake, my dear friend, lose not a moment; time is pressing; and let what you do be* WELL *done!"* but, on examination, the correspondence itself will best demonstrate the weakness of the imposture. In his letter to Portell, Power says, *"the principal object of my going down to New Orleans, was to take charge, by order of General Wilkinson, of the money you (Portell) have now in deposit for him, which is shewn by the letters* which he wrote to the governors of this province and of Natchez; but at my arrival, the money had been already sent off, in one of his majesty's gallies, for this place, which I learned from the Baron de Carondelet, the intendant, and Don Andre Armesto."* I ask you, gentlemen, is it possible, when the Baron informed Power the money had been sent to New Madrid, that he would not, at the same time, have mentioned to him, the order he had transmitted to Portell with regard to it? And, in such case, would not Power (having no order from General Wilkinson) have asked from the Baron, himself, new instructions to Portell, to deliver up the dollars without the formality of an order from General Wilkinson? Passing over these glaring inconsistencies, is it probable that a Spanish military officer would, from the bare representation of such a man as Power, have dared to violate the express command of his superior, and deliver up, in the face of his orders, so large a sum as 9640 dollars, for

* Those letters never were produced, which may be wondered at, when we reflect on the dexterity with which Messrs. Clark and Power were accustomed to manage their pens.

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which he was held responsible, and might have been cashiered for a breach of official trust? But where was the motive to induce Portell to make such a perilous deviation from his duty? If he had been tempted by any pecuniary, or other, advantage to surrender the money, I should be willing to allow there was some plausibility in the story; but, as it stands, it is totally destitute of all semblance of truth. One of the reasons which Power assigns for my not sending an order, is utterly repugnant to common sense: "*General Wilkinson,*" says he, "*did not know the sum of money which Portell had to deliver to his order!*" But could I not have requested him to deliver to Mr. Power, *all* the money in his hands for my use? Surely that would have been sufficiently specific.

The air of mystery which the letter assumes, in regard to me, is irreconcileable to the general tenor of it. Mr. Power pretends he said to Portell, "*I cannot communicate to you all the motives why W. has not given to me an order;*" as if there were some dreadful secret in the case; and yet he tells Portell, in the same letter, that he had repeatedly urged "*the necessity of sending up sugar, coffee, and powder to New Madrid,* to form a cargo to take to Kentucky with General Wilkinson's money; *hiding, by this means, the true intention of the voyage,* and giving it the appearance of a commercial speculation." Had I been a pensioner of Spain, such language was as well calculated to lead to the discovery of my connexion, as if my most secret motives had been committed to writing. There are many other passages, in the same letter, equally at variance with Mr. Power's affectation of reserve on my behalf; and it is quite as absurd to suppose I should authorise Power to write an order for me, in my name, (when I might so easily have furnished him with an order, leaving a blank for the amount of the sum) as it is to believe, that if I really had thus authorised him, he would not have resorted to that expedient, instead of writing a ridiculous and inadequate letter to Portell; to whom any order, with my name to it, would have been a more complete justification for the surrender of the mo-

ney, than all the ingenious sophistries of Mr. Power; because, in case he (Portell) should have been called to account for his conduct, he might have alleged ignorance of my hand writing.

For the sake of elucidation, I have been obliged to take up the consideration of Mr. Clark's second budget, before I had gone through the first; and to preserve the most regular chain of connexion, I find it necessary to proceed in order.

Permit me, then, gentlemen, to claim your consideration of the document* said to be the answer of the Baron

The Baron de Carondelet's letter to Power, dated May 28th, 1797, considered.

* From the Baron de Carondelet to Thomas Power.

"*New Orleans, May 28th, 1797.*

"There remains in my hands the six documents relative to the account of the last expedition which you made in the Ohio, and which you inclosed me in your official letter of the 9th inst. and they are as follow:

No. 1.—Account sales of the effects laden at New Madrid.

2.—Another of the expenses of the crew.

3.—Account of the expenditure of the 640 dollars.

4.—Statement which shews how the merchandise has been employed.

5.—Statement which shews the balance due to you.

6.—Original invoice of J. & A. Hunt.

"On account of it there will be delivered to you $1000, that you may make preparations for your journey in the new commission that I trust to your care.

"It is necessary to see how you can get rid of the horses with the least possible loss, as well as to recover the debt of Nicholas Welsh, or have it recovered; for which purpose I enclose you his obligation: and likewise the proceeds of the merchandise, which to the amount of $358, you delivered to Don Pedro Derbigny, in order to give account to the court without these balances, which caused trouble and appeared speculations, when they are no more than the effect of necessity, and the difficulty which these commissions cause, in places where there are no resources, when you have to deceive the vigilance of spies.

"As you finish these matters, and as soon as your present commission is fulfilled, you will give me advice. God preserve you many years.

"THE BARON DE CARONDELET.

"*To Mr. Thomas Power.*"

See First Report Committee of Congress, page 98.

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de Carondelet to the letter of Power, touching his expedition to the Ohio, and calculated to criminate me.

Does this answer implicate me? No! it neither contains my name, nor does it bear any allusion to me; for it only goes to shew, that Power had been concerned in some expedition, under the authority of the Spanish government. It is true, Mr. Clark, in his exposition, remarks, that "the baron's letter is in the hand writing of Don Andre Armesto;" which, if it be the fact, rendered the introduction of my name into it difficult to the most adroit counterfeiter: but there is no such difficulty in Power's letter to the Baron; because Power might, now or hereafter, write any kind of letter to the Baron de Carondelet, or any other person, which he or his patron, Mr. Clark, may find necessary to gloss their own conduct and cast odium upon mine. Of the papers, said to be instructions from General Wilkinson to Power*, I had no knowledge, previous to their production, in the House of Representatives, by Mr. Clark; with regard to those papers, Mr. Clark avers "they are in the hand writing of Philip Nolan, with which he is *well acquainted;*" and he makes the same remark, with respect to the letter said to be in the hand writing of Gayoso. Were these documents (imputed to me as instructions to Power, and said to be in Nolan's hand writing) worthy a moment's consideration, it would appear, they urge the necessity of Power's presence in Philadelphia. Did he respect the injunction? No! but it is notorious that I passed the winter 1796-7 in that city, and hence most probably this mysterious fabrication, without date or signature, or address, or reference to names or persons. I intreat you, gentlemen, to bear in mind, that both Nolan and Gayoso are dead, and, therefore, they cannot be called upon to deny the writings ascribed to them; for we have heard more than once that "DEAD MEN TELL NO TALES."

How far Mr. Clark's boasted knowledge, of the hand writing of my deceased friends, contributed to the fabri-

* First Report Committee of Congress, Mr. Butler chairman, p. 89.

cation of these papers, I am unable to determine; but the most humble capacity will readily perceive, that it is practicable for a combination of unprincipled men, deeply versed in all the wiles and artifices of cunning and treachery, and skilled in every application of the pen, to contrive a consistent tale of slander, and afterwards to give it a colouring of probability, by the perversion of facts, and a fraudulent, fictitious correspondence, invented for the purpose.

If such foul attempts be listened to, and the precedent should obtain, we have fought and bled for liberty in vain; for when character may be sacrificed at the shrine of revenge, upon informal documental testimony, the misrepresentations of prejudice or ex parte depositions, then liberty will cease to be a substantial good and become "AN EMPTY NAME."

I return to the second document, which accompanied Mr. Randolph's denunciation, purporting to be a letter*

Explanation of a letter said to have been written by General Wilkinson to Governor Gayoso, in cypher, dated 7bre 22, 1796, examined.

* General Wilkinson's imputed letter to Governor Gayoso, in cypher. See First Report of Committee of Congress, Mr. Butler chairmain, page 87.

"*Fort Washington, 7bre* 22, 1796.

"Ill health and many pressing engagements must be my apology for a short letter. I must refer you to my letter to the Baron, for several particulars; and for a detail of my perils and abuses. I must beg leave to refer you to our friend Power, whom I find of youthful enterprise and fidelity; he certainly deserves well of the court, and I don't doubt that he will be rewarded.

"What political crisis is the present! and how deeply interesting in its probable results, in all its tendencies, and thereby must hope it may not be carried into execution. If it is, an entire reform in the police and the military establishments of Louisiana will be found immediately indispensable to the Mexican provinces. I beg you to write me fully on this question, in cypher, by Power, whose presence in Philadelphia is necessary, as well to clear his own character, attacked by Wayne, as to support the fact of the outrage recently offered to the Spanish crown, in his person, and to bring me either the person or the deposition of a man now under your command, who had been suborned by Wayne to bear false witness against me, and afterwards for fear he should recant, bribed him to leave Kentucky. Power will give you the PERFECT of this infamous transaction; and I conjure you by all the ties of friendship and of policy, to assist him

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written, in cypher, by me to Governor Gayoso, and signed "W."

Before I submit to you any observations of my own, on that paper, I solicit your attention to the opinion which Governor Folch pronounces upon it. The Governor remarks, that, "the copy of the letter, addressed to Governor Gayoso, and supposed to be written by General Wilkinson, I consider forged, under the following observations—whenever one governor corresponds with another, by official communications, it is requisite and unavoidable, that a copy sent from one to the other, *should be certified by the secretary*, as the person authorised by the king for doing the same; and if any confidential correspond-

on this occasion. If Spain does not resent the outrage offered to Power, in the face of all Kentucky, my letter to the baron will explain the motives which carry me to Philadelphia; from thence I will again write to you. Power will explain to you circumstances which justify the belief of the great treachery that has been practised with respect to the money lately sent to me. For the love of God, my friend, enjoin great secresy and caution in all our concerns; never suffer my name to be written nor spoken. The suspicion of Washington is wide awake. Beware of Bradford the Fort Pitt refugee; he seeks to make peace; there is spies every where. We have a report here that you are appointed Governor of Louisiana; may God grant it is, as I presume the Baron will be promoted.

"I am ever your affectionate friend,

"W."

"Es copia de una carta en ciphra que he recivido del General Wilkinson. Natchez, 6 de Febrero, de 1797.

"MANUEL GAYOSO DE LEMOS.

"En un papilito a parte dice lo siguiente."

"This will be delivered to you by Noland, whom you know is a child of my own raising, true to his profession, and firm in his attachments to Spain. I consider him a powerful instrument in our hands, should occasion offer. I will answer for his conduct. I am deeply interested in whatsoever concerns him, and I confidently recommend him to your warmest protection.

"I am EVIDENTLY your affectionate,

"WILKINSON.

"Es Copia.

"*Manuel Gayoso de Lemos.*"

ence subsists between them, they never certify any such document whatever; *this method* and etiquette is *always observed*, and few governors ever followed this rule more strictly, than the said Governor Gayoso." See 3d Report of the committee of congress, whereof Mr. Bacon was chairman, page 47. CHAP. III.

This exposition of the want of authentic form in the copy of the letter, by a man so intimately conversant in all the rules and maxims of the Spanish government, as Don Vincent Folch, is, of itself, sufficient to demonstrate that it is a fabrication; and the circumstances derive additional strength from Power's own declaration; for he has declared before this court, that "this letter was intended to aid his application, at the court of Madrid, for monies claimed by him on account of services performed;" and of course, were it authentic, it would be found with all the essential forms attached to it. But the copy of this reputed letter, itself, is so full of absurdities, that it is totally inexplicable. The imitation may be ingenious; for the leading facts hinted at in this letter, were all as notorious as the outrage committed on Power, of which he complained in the public prints; but neither my manner, my language, nor a single characteristic which distinguishes my style, has been well copied.

I trust that I seldom write errant nonsense; and yet the first sentence of the second paragraph is incoherent, and absolutely incomprehensible. I am represented to say "what political crisis is the present! and how deeply interesting in its probable results, in all its tendencies!" This, if it has any meaning, is intended (I presume) to sustain the suspicion, that I was concerned in a plot to divide the union: what consistency, then, is there in the idea or language, when I am, immediately afterwards, made to declare, "and thereby must hope, it may not be carried into execution;" according to this, I was doing a thing, which "I hoped" would not be done. In the second sentence, instead of looking to a dismemberment of the United States, my attention is carried to the security of the Mexican "provinces," and towards the

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end of it, I am made to say, "Power will give you the *perfect* of this infamous transaction;" here the foreign idiom is too apparent to be denied, and the next paragraph is too absurd to be ascribed to me. "If Spain does not resent the outrage offered to Power, in the face of all Kentucky, my letter to the Baron will explain the motives which carry me to Philadelphia;" what a direct and dreadful consequence for so horrible an indignity to poor Power! Did it not mark too much levity, I would recommend to Messrs. Clark and Power to reclaim this letter and amend it; in which case, should it not be too frivolous a circumstance for their attention, they ought to give Nolan's name correctly, and without the "d."

I regret that time will not permit me to trace this man, step by step, through the mazes of his artful fabrications. I must, however, tax your patience with the exposition of an inconsistency, which, in itself, would suffice to taint the credibility of a man of *sound* character, much more that of Thomas Power, who stands outlawed in honour by his own confessions. In his affected narrative* of his

* Extract from the narrative of Thomas Power, see 1st Report of the Committe of Congress, Mr. Butler chairman, page 80.

"Without loss of time, a pirogue, hands and provisions were got ready; and I set off from N. Madrid on the 6th of Sept. and reached the red banks on the sixth day. Here I was detained by a bilious fever, until the 24th, on which day I set off by land, and arrived at Cincinnati on the 3d of October, having delayed one day at Lexington. The day after my arrival I delivered my despatches to general Wilkinson, agreeably to my orders. When I left New Madrid, *I was only half in the secret of the object of my mission; but the general disclosed the whole plot to me, which was a separation of the western from the eastern states*, such as appears in Judge Sebastian's trial. After some days stay at Cincinnati, I proceeded up the Ohio as far as Galliopolis, in obedience to General Wilkinson's orders, which I had been instructed by Gayoso implicitly to follow. I returned to Cincinnati on the 8th of November, and left that place on the 14th, with Wilkinson's answers, having occasionally dined with the general, and having had several nocturnal conferences with him in fort Washington.

"In his letter in cypher to Gayoso, September 22, 1796, he refers him to what I should verbally communicate to him, which was as follows: that I must immediately return to Red Banks, where I should meet the following gentlemen, or at least two of them, viz. Messieurs

visit to me at Cincinnati in 1795, we are informed, he "*reached that place the 3d of October and delivered his despatches to me; and after a tour up the Ohio, returned to Cincinnati the 8th and left it the 14th of November with Wilkinson's answers; and that in a letter which I wrote to Gayoso, in cypher, September 22d, 1796, I refer him to what he (Power) should verbally communicate;*" and then follows a tissue of instructions, the romantic absurdity of which alone, must secure me against the imputation of being their author. CHAP. III.

It is remarkable that Mr. Power should, in this narrative, have adopted the plan of his patron, Mr. Clark, and made me confess my guilt to him, also; and to be *consistent*, he puts Gayoso in a great passion with me, for revealing to *his confidential agent*, the secret of our plan of revolution. This letter of the 22d of September, 1796, which Mr. Power makes me write in October, 1795, is the very same Mr. Clark laid before Congress with his second budget, which he pretends was decyphered, certified and furnished by this very Gayoso, who was so angry with me, for having communicated too freely with this same agent Power. Here the detection is palpable, and the imposture cannot be explained away, unless this child of darkness possesses the faculty to reconcile impossibilities; that is, to make me, in October 1795, write a letter in September 1796. But the enterprise of my enemies overreached their cunning, and in composing Clark's scandalous publication, they trusted more to diversified matter and high colourings, than to consistency and

Benjamin Sebastian, Henry Innes, John Murray and George Nicholas, whom I was to convey to the mouth of the Ohio, there to have an interview with Gayoso. I have already mentioned that the plan of separation was such as appears in Sebastian's trial; on which subject Wilkinson directed me to lay the following observations before Carondelet and Gayoso. However, before I proceed any further, it will not be improper to state that Wilkinson received a letter some time after from Gayoso, expressive of much discontent and reproach, for having imprudently communicated to me the whole extent of their plots. This I had from Wilkinson himself, &c. &c."

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truth; the former are appropriate to Messrs. Clark and Power; the latter belong to men of honour.

Since the art of writing was invented, and forgery became a crime, I believe there never was a more clumsy imposture practised, than the attempt to pass the two letters, in question, for genuine.

When Power made out his deposition on the 18th March, 1809, relative to this letter,* he, in conjunction with those who were associated to accomplish my ruin, made no doubt that Clark's infamous publication would give me the "coup de grace," and preclude all further enquiry. He then did not apprehend detection, and swore without restraint to any thing which suited the purpose of his employer. In that deposition he declares on oath, "that in this very letter, in cypher, to Gayoso, of Sept. 22d, 1796, I referred him (Gayoso) to what he (Power) should verbally communicate to him," in relation to the farrago of nonsense which follows, and, it may be presumed also, respecting the pretended "nocturnal conferences he held with me at Fort Washington," a year before the letter could have been written. But after the publication of this contradiction, finding it impossible to escape detection, he had the audacity to appear before this court, and make an awkward attempt to explain away, the inconsistency apparent on the face of the affidavit, in question; but in a manner which marked the confusion of his own mind, and certainly was not satisfactory to any one who listened to him. He now says, "that the letter which he carried from me to Gayoso in 1795, was written in October of that year;" but he can give no information of the contents, and does not recollect ever to have seen it; although he swears that I, at that interview, opened to him the whole plan of the meditated revolution, and even told him I was a brigadier in the Spanish service. Those who know me, know that I am not a man who deals in half confidence; and is it

* See First Report Committee of Congress, p. 80.

probable or reasonable, that I should have practised any reserve with a man, to whom I had so fully committed my fortunes, my safety, and my honour? No! gentlemen, the letter imputed to me in Oct. 1795, is a fiction of Mr. Power's fruitful brain; and that which has been produced of the 22d Sept. 1796, under the alleged certificate of Gayoso, is a forgery, by whomsoever designed or executed;—and is it not a little extraordinary, while Governor Gayoso was certifying confidential papers for Power, "to enhance his importance, and strengthen his claims at the court of Spain, for the services he had rendered," that he (Power) should have omitted to obtain a certified copy of the letter, he now pretends was written by me, at the commencement of our confidential intrigues, and which was connected with the important arrangements detailed in his affidavit? If any paper existed, worthy of Gayoso's certificate for Power's benefit, it is to be presumed, none could be more desirable than that of which he now gives testimony; and the nonproduction of this letter, duly certified, does in itself furnish strong presumption, that the reason now assigned by Power, for the extraordinary certificate of Gayoso in 1797, to the reputed letter of Sept. 22d, 1796, is a fabrication; a fabrication rendered necessary, to furnish a plausible pretext for such a singular certificate;—and Power being now compelled, by his contradictions, to create one more letter than he had intended, he was not prepared with a certificate to authenticate it. CHAP. III.

In another part of this copy of a letter, I am described as seeking to vindicate my character, against the aspersions of General Wayne; then, as procuring revenge for Power; next, as soliciting Gayoso not to let my name be written or spoken; and, finally, (after having annexed the initial of my name only to the letter,) I am made to tell him in a separate note inclosed in my letter, to which I attach my signature at full length, (notwithstanding my possession of a cypher, and all my caution to conceal my name) that "Nolan was firm in his attachments," &c.—Such glaring inconsistencies, will suffice to expose the ar-

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tifices of my enemies; but it happens, by accident, that I possess the means to destroy the effect, expected from this imputed recommendation of Nolan. It is true, this extraordinary character was first my *protegé*, and afterwards my agent, in Louisiana, and that he took charge of my affairs in the years 1789-90 and 91. To this gallant, meritorious, unfortunate young man's* letters, I appeal with confidence, for his and my own political principles and attachments. From the wreck of time and the destruction incident to erratic life, I have saved a few of those testimonials, which have been read in evidence, and will help to shew the nature and extent of my engagements to the government of Louisiana; and that, notwithstanding all my management and influence, Mr. Nolan had cause to be jealous of the Spaniards, and considered Governor Gayoso his mortal enemy. I feel extreme reluctance in exposing these letters, and nothing but the necessity of the case, could induce me to do it, —their heroic author is no more: adventuring beyond the bounds of propriety and discretion, he was attacked by a body of Spanish troops, far within the province of Texhas, and being overpowered by superior numbers, he fell a victim to his temerity. Sanguine, volatile and enthusiastic, his enterprising spirit could not be restrained, by prudential considerations; and in colloquy, or familiar correspondence, the ardour of his imagination, frequently transported him beyond the rules of ordinary expression. These dispositions may, I hope, excuse the eccentricity and incoherence, remarkable in one of his letters—he was writing in the confidence of friendship, and to a person who knew how to estimate his intellect.

Philip Nolan's letters referred to, and his character pourtrayed.

I have not said, I held no private correspondence with the governors of Natchez and New Orleans; but I do deny, that such correspondence was, of a nature, injurious to my country or dishonourable to myself: on the contrary, it was designed, either to advance my private fortune, to conciliate the interest of the two countries, or to

* See Appendix, No. II.

lay the foundation of future fame. When I led our troops to the occupancy of New Orleans, many of the most respectable inhabitants of the province of Louisiana, who still live, reminded me that I had said to them, sixteen years before, "*I would one day take possession of that city in behalf of the United States.*" I have made predictions of higher import, and it remains within the compass of events to decide, whether I shall live to fulfil them; this, however, will depend in a great measure on the policy of my country. Whoever examines the letters of Nolan, will readily discover the motives which interested me, to secure to him the confidence of Gayoso. I had many thousand dollars, and objects of more importance than vile counters, at stake; which are fully explained in the deposition* of Samuel P. Moore; but my views and my success, may be best comprehended from Nolan's letter of the 21st July, 1797, before alluded to.

Samuel P. Moore's deposition referred to.

With respect to my private correspondence with Governor Gayoso, of so little interest was it, so remote the dates, and so light the impressions left on my mind, that I most solemnly declare, before God and man, I can recollect but a single passage;—and the circumstance of that communication being transmitted to me by Judge Innes of Kentucky, has probably brought it to my recollection. This letter was received after I had resumed the sword, and taken the command of our troops on the north-west of the Ohio, and contained a pressing invitation to me, once more to descend the Mississippi, with the promise of making my fortune if I would. To which I replied, it was too late; that I had re-entered the military service of my country, and felt an invincible repugnance to the renewal of commercial adventures.

Correspondence with Gayoso noticed.

The next paper, which it may be material to remark upon, is said to be a letter† from Thomas Power to the

Thomas Power's

* See Appendix, No. III.—Third Report Committee of Congress, Mr. Bacon chairman, p. 166.

† See First Report Committee of Congress, Mr. Butler chairman, p. 95.

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letter to the Baron de Carondelet examined and compared with his deposition and examination before the court.

Baron de Carondelet, of the 9th May, 1797. In this letter, Power affects to give an account of the conveyance of the 9000 dollars to me; he pretends to enter into the most minute details of all his proceedings, *and expressly represents that he delivered the money to me in person;—but in his deposition,* he swears the same money was delivered to Philip Nolan.* In his letter, he speaks of *purchasing a horse, to ride from Frankfort to Cincinnati.* Judging by his deposition, it would appear, he *rode from Louisville to Cincinnati,* and then to Frankfort; and it does not appear, that he made any journey on that occasion from Frankfort to Cincinnati. He states, that "after having delivered the money to Nolan at Louisville, in pursuance of my direction, Nolan conveyed the barrels of sugar and coffee, in which the dollars were packed, to Frankfort, where he (the deponent Power) saw them opened in the store of Mr. Montgomery Brown."† The object which carried him to Frankfort is not stated; so that it would seem that he went there for the special purpose of being present, at the opening of the barrels, in which the money was contained; although, according to his *own account, in order to elude suspicion,* I had previously taken the precaution of directing him "*to deliver the money to Nolan, that he (Power) might be kept out of view.*" He declares, both in his deposition, and on his examination before this court, that "*the barrels of sugar and coffee, in which the dollars were packed, were conveyed to Frankfort;*" and he afterwards says, in the same deposition, that he "*sold the very sugar and coffee, in which the dollars were packed, to Mr. Abijah Hunt of Cincinnati.*"

In his examination before the court, he has stated, "*that he sold to Mr. Hunt, the residue of his cargo of sugar and coffee, a few barrels excepted, which he had reserved, that he might not excite observation, by refusing to sell, in*

* See First Report Committee of Congress, Mr. Butler chairman, p. 39.

† Mr. Brown, as well as Nolan, was dead when Power made this deposition. Such appeals are safe—they elude detection.

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case a purchaser should offer; and that it might appear to be a mere mercantile adventure;" he has forgotten altogether, to give any account *of the sugar and coffee sent to Frankfort: in which the dollars were packed,* or *what became of it, although it appears to have been the whole quantity shipped at New Madrid.* It is a difficult matter to give to fictitious tales a consistency in all their parts.

The attention hitherto paid to Mr. Power, may possibly have appeared too particular; be assured, gentleman, it has not sprung from any veneration for the man, or doubts of his falsehood and treachery, that I have been thus minute; but having entered on my defence, respect for my own character makes it my duty to meet my assailants of all conditions, at every point, where they present themselves; and Mr. Power being made the pivot, on which my prosecution turns, has claim to distinguished attention; yet depraved as the heart of the man has hitherto appeared, it still remains for me, to give such traits of his character, such evidence of his conduct, as will leave no doubt on the minds of the court of his true merits.

The time has been, gentlemen, when Mr. Power felt pride in applauding and gloried in vindicating me, which I shall prove by the testimony of his tongue and his pen. In the first place, permit me to recall your attention to the deposition of Captain John Bowyer, of the second regiment of infantry, before quoted at large.

Silas Dinsmore's deposition quoted in relation to Power.

The next documents I shall offer to you, gentleman, in application to Mr. Power, is the deposition of Silas Dinsmore, which is as follows.*

"In the month of March, 1803, I went on public business, from Fort Adams to New Orleans, by request of General Wilkinson; who gave me a large packet addressed to Mr. Thomas Power; in which, I was informed there was a commission from the General for Mr. Power, for what specific purpose I knew not. I also received from

* See Third Report of the Committee of Congress, Mr. Bacon chairman, page 67.

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the general a cypher, for the purpose of confidential communications, a duplicate of which I was directed to give and explain to Power. In our several interviews at New Orleans, Mr. Power expressed a high opinion of General Wilkinson, and a grateful sense of the mark of the General's confidence, of which I had been the bearer; he also expressed much satisfaction, at the expected change of government, that he preferred the republican form in the United States; that he had chosen that as his country, and would avail himself of the opportunity afforded by the treaty, to make his election.

"In the year 1806, I met with Captain Power at New Orleans, and rallied him on the use, which General Wilkinson and himself had made of the money, received of the Spanish government, as stated in the gazette called "The Western World;" he avoided an answer as it respected himself, but assured me, there never was a more unjust or slanderous aspersion, published against any man, than that of the General's receiving any pension or bribe from the Spanish government. He said, he was well acquainted with governmental transactions, as interpreter, and to his certain knowledge, the General never received a single sous, either as pension or bribe."

Power's letter to General Wilkinson, of 6th February, 1803, quoted.

I shall next present you, gentlemen, an extract from a letter,* addressed to me by Mr. Power, on the 6th of February, 1803, *when employed by me, as a spy, for the United States*, to watch over the very government, of which, he has sworn on colonel Burr's trial, before the district court, at Richmond, "he was an officer."† From this letter, which exhibits a compound of talent, hypocrisy, adulation and perfidy, you will perceive, the writer held no mean opinion of me, at that time, when he expected to be rewarded for his services and relied on my munificence.

* See Appendix, No. IV.—Third Report of Committee of Congress, Mr. Bacon chairman, page 111.

† See the proceedings on Burr's trial, reported by the order of the president, and printed for the use of the members of the house of representatives, second series, page 74.

"TO RANK AMONG THE FRIENDS OF A PERSON, OF SUCH DISTINGUISHED MERIT, AS GENERAL WILKINSON;" (says Mr. Power in this letter) "MUST CONFER HONOUR AND INSPIRE A NOBLE PRIDE;" and again in the same letter, "I RESPECT YOUR VIRTUES, ADMIRE YOUR UNDERSTANDING, REVERENCE AND ESTEEM YOUR CHARACTER, AND SHALL EVER BE PROUD OF YOUR FRIENDSHIP, NOT ONLY AS AN HONOUR, BUT AN ORNAMENT."

I now proceed to read an extract of a letter, addressed to me, on the 1st of March, 1808, by Governor Claiborne, read before the court of enquiry. The Governor observes, that "during the winter of 1807, I had an interview with Thomas Power for the purpose of obtaining information, relative to the treasonable propositions, which he had made to certain citizens of Kentucky. In the course of our conversation, he declared that *he had withdrawn from the Spanish service;* that he despised the government and agents of Spain; and was it not for losing a large sum of money (I think he said 8 or 10,000 dollars) which was due for past services, he would immediately place in my possession, the original instructions, which he received from the Baron of Carondelet, and his correspondence with Messrs. Sebastian, Nicholas, Innes, and many others. I RECOLLECT ASKING POWER, WHETHER GENERAL WILKINSON WAS DIRECTLY OR INDIRECTLY CONCERNED, IN THE SPANISH BUSINESS? HE ANSWERED—"NO!" and raising his hands towards heaven, exclaimed, "I CALL MY GOD TO WITNESS, THAT GENERAL WILKINSON IS AS INNOCENT AS THE CHILD UNBORN."

Governor Claiborne's letter to General Wilkinson of the 1st March, 1808, quoted in relation to Power.

Here it appears, that Mr. Power made no hesitation to expose his own government, and to criminate, as far as his word could do it, "Messrs. Sebastian, Nicholas and many others," but instead of inculpating, he declares me as "INNOCENT AS THE CHILD UNBORN."

Thus, this Power, as late as the year 1807, "appealing to his God, with uplifted hands, declared me inno-

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cent of the offence," for which I am, now, suffering the lash of persecution; and it appears from his letters and his conversations, that he had, previously to that period, revered my character, and uniformly spoke of me with praise.

But, Mr. President, were not Thomas Power utterly discredited by his repeated contradictions, and by the very respectable testimony addressed to this court; what stronger proof could you require of my innocence, and his own turpitude, than his voluntary declaration,* which he now, with unblushing front, swears is untrue; although given to me at a moment, when he could feel no bias, and was moved, as he says, solely by a sense of justice. Not only the matter of this certificate, but the manner of presenting it to me, are both conclusive, against the artful tale he has since devised, to meet the views of his patron, Clark. The note† respecting Bradford, now delivered to the court, and dated Sunday morning, refers to the very circumstance which produced the certificate, and it was on that subject, Power was desirous to see me; I will now read this document, gentlemen, and the note in which it was transmitted to me, by Mr. Power, from his residence, which was nearly two miles from my quarters.

* See Third Report of the Committee of Congress, Mr. Bacon chairman, page 119.

† "Having been laid up, these four days, with a catarrh sore throat and fever, I had not an opportunity of seeing Bradford's scurrilous, lying, contemptible attack on me, until this morning.

"I wish to know, if any thing, that may come from the venal pen of such a trifling fellow, will be any obstacle to my seeing you; and if not, at what hour, convenient to yourself, I may call upon you to-morrow.

"Your's sincerely,

(Signed) "THOMAS POWER.

"Sunday morning.

"*General Wilkinson.*"

"*New Orleans, May* 16th, 1807.

"Sir,

"I cannot in silence, behold my name employed to sanction the calumnies levelled at any man's character; and, therefore, sir, I make you a tender of the inclosed, and have the honour to be, with the highest consideration,

"Sir,

"Your most obedient servant,

(Signed) "THOMAS POWER.

"*General James Wilkinson.*"

"DECLARATION.

Thomas Power's voluntary declaration, furnished General Wilkinson the 16th day of May, 1807.

"I, Thomas Power, of the city of New Orleans, lately an officer in the service of Spain, moved solely by a sense of justice, and the desire to prevent my name from being employed, to sanction groundless slanders, do most solemnly declare, that I have, at no time, carried or delivered to General James Wilkinson, from the government of Spain, or from any other person in the service of said government, cash, bills or property of any species. I do most solemnly declare, that said Wilkinson, to the best of my knowledge and belief, had no participation, and was a perfect stranger to the mission on which I visited Kentucky in the year 1797, and do, furthermore, most solemnly declare, that my business at Detroit, was to deliver an official letter from the Baron Carondelet to General Wilkinson; that, on my arrival at Detroit, the General was absent, and I found the place under the command of Colonel Strong, by whom I was received with the greatest hospitality and treated with kindness and civility; being left at perfect liberty to visit every part of the town and its neighbourhood, the fort excepted, during the few days I remained there, waiting for General Wilkinson's return from Michillimakinac; who, immediately placed me under strict restraint, not permitting me to stir out of Colonel Strong's quarters, without being accompanied by an officer, who was instructed to keep a watchful eye over me. That the General de-

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"Given in New Orleans, this 16th day of May, 1807.

(Signed) "THOMAS POWER."

The tenor of this certificate from Thomas Power, is in perfect conformity with his previous, voluntary, repeated declarations of my innocence; proved to have been made by him, to Captain Bowyer, in May or June, 1799—to Mr. Dinsmore, in the year 1806—and confirmed by his subsequent declaration to Governor Claiborne, in the winter 1807. The certificate is conceived in the most ample and solemn terms, and concludes with declaring his (Power's) readiness to testify to the truth of the facts contained in it. On his examination before the court, Mr. Power did, indeed, desire of you, gentlemen, "to observe that the certificate was not under oath;" but in estimating the veracity of a witness, can belief be reposed in one, who, according to his own statement, has freely and most solemnly declared to facts, which he now avers he knew to be false at the time; and who, in subscribing that declaration with his own hand, avowed his willingness to swear to the truth of its contents; although, to use his own coarse expression before this court, "there was not an inhabitant in New Orleans, but knew it to be a lie!" I doubt not, you will agree with me, gentlemen, that such a man, if he found it expedient, would be as ready to perjure himself to establish my guilt, as he was prompt to sign that declaration of my innocence, which he now endeavours to falsify. He pretends in his vindication, which I shall presently notice, "that he refused to insert the words 'directly or indirectly,' in his certificate, and these words being left out,

as he delivered the money to my agent, Mr. Nolan, and not to me, that, therefore, he might with a safe conscience swear, he never delivered *me* any money." But setting aside this contemptible prevarication, it is further to be remarked, gentlemen, that Power has also declared in his certificate, that I had no participation in, and was a perfect stranger to, the mission on which he visited Kentucky in the year 1797; now, I would enquire, how he could profess himself ready, to swear to that part of his declaration, if there is any truth whatever in his feigned narrative,* of that mission, presented to Governor Gayoso the 5th of December of the same year, in which he enters into a particular detail of his interview and conversation with me, relative to "the proposals of the Baron de Carondelet?" It is utterly impossible to reconcile these contradictory statements: the fact is, that the declarations made by Power to the gentleman already mentioned, and his certificate to me, which he was willing to confirm by his oath, *contain nothing but the truth*; while the depositions, which he has since been tempted to give, *present a jumble of contradictions and falsehoods*: the difference is, then, that I have proved, and shall prove, *that what Power has certified is true, and that which he has sworn to is false*; while he, with unblushing impudence, contends in the face of the world, *that what he has repeatedly, deliberately, and solemnly declared and certified, is false*; but that, IN CONSIDERATION OF HIS SPOTLESS FAME, you must believe the contradictions he has since sworn to, are entirely true. The different motives he has assigned for giving this false certificate, as he represents it to be, now remain to be examined.

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Power's narrative to Governor Gayoso, of his expedition to Kentucky and Detroit in 1797.

In the paper which he styles his vindication, originally published in the Philadelphia Gazette, a short time after he appeared before the court at Richmond, during Burr's trial (which was one of the paper's laid before Congress

Power's vindication of his conduct for giving

* See First Report Committee of Congress, Mr. Butler chairman, p. 130.

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General Wilkinson his certificate, published in the Philadelphia Gazette in 1807.

by Mr. Randolph, and has been exhibited by Power himself, in evidence to this court), he suggests, that "*in politics, morality is not to be measured by the same narrow scale, as that which ought to regulate the moral conduct of men in private concerns;* and that he being a secret agent of the Spanish government, and I being a pensioner of the said government, he should have been unworthy of the confidence of his government, if he had refused to give any document, that might contribute to raise me in the good opinion of the administration of my country; to blazon my integrity and patriotism, and fortify me in their confidence; *and by these means, enlarge my power of injuring my own country, and serving the Spanish government.*" Such is one of the motives, which he insinuates in his vindication, might have influenced him to give me a certificate, which, he says, I asked, if he had "any objection to give me, that it might help me to silence that foul-mouthed Bradford, and refute the assertions of the editors of the 'Western World.' I replied (says he) that I had no objection, and would give him a certificate with pleasure, PROVIDED, HE PROMISED ME, IT SHOULD NOT BE PUBLISHED. On this he (that is, General Wilkinson,) assured me, that the only use he purposed to make of it, WAS TO LAY IT BEFORE THE PRESIDENT, WITH A VIEW, TO PROVE THE FALSEHOOD OF THE CHARGES CIRCULATED AGAINST HIM, VINDICATE HIS CHARACTER, AND SECURE THE CONFIDENCE OF THE EXECUTIVE." If there was any truth whatever in this statement, I would observe, that the allusion Power here makes to Bradford's publication against me, is a circumstance which must forcibly recall to your recollection, gentlemen, the short note, addressed to me by Power at New Orleans, a few days before the certificate was given; in which, he adverts to those very publications of Bradford, which were, in fact, the occasion of his voluntarily tendering me this certificate, as I have already observed to the court. But what sort of consistency, and what degree of probability, is there in any part of these explanations, suggested by the witness in his vindication? I

asked him for a certificate it seems, and he gave me one, CHAP. III.
"to help me to silence that foul-mouthed Bradford," and yet the only use I promised him should be made of the certificate, when obtained, was to lay it before the President. I wanted his certificate, it appears, *"to help me to refute the editors of the Western World:"* he gave it without hesitation, and with pleasure, and yet it was not to be published. Can you, gentlemen, conceive a more extraordinary expedient, for *"silencing Bradford and refuting the Western World,"* than for Mr. Thomas Power to put me in possession of a document, of which I was bound to make no other use, than to shew it to the President of the United States; which the public were not to see, and which I pledged myself, should not appear in print? But in a country like ours, where every thing depends on popular opinion, if it was stipulated by me, that no one but the President was to read Mr. Power's certificate, I would also ask, what possible advantage, could I have expected to derive from it in the public estimation, by which the President himself must be in a great degree governed? And by what secret means, was it, that this certificate was to operate, according to Mr. Power's phraseology, so as *"to blazon my patriotism and integrity, and enlarge my power of injuring my own country and serving Spain?"* And how was this power, of injuring the one and of serving the other, to be exerted? There was nothing in the circumstances of the two countries, at that period, to threaten a conflict of interests; the pretended Spanish conspiracy had long ago ceased; the conflicts about the navigation of the Mississippi were silenced; Louisiana was actually in the possession of the United States; the Spanish power on the Mississippi and in its vicinity was reduced to a mere name; and, according to Power's own narrative to Governor Gayoso, of his mission in 1797, before referred to, I then renounced the connexion, and told him, *"I had destroyed my cypher, torn all my correspondence with the Spanish government, and that my duty and honour would no longer permit me to continue it."*

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But as if conscious, AT THE MOMENT OF HIS PUBLICATION, IN THE PHILADELPHIA GAZETTE, that his first position was equally absurd and incredible, he proceeds to abandon it altogether, and "to take, what he calls, that ground of defence, which is consistent with fact." He affects to decorate me with every engaging "quality that can conciliate affection; he professes the attachment which he himself felt for me, in common with others; describes the difficult situation, in which I was suddenly placed in New Orleans; and the hatred, virulence and animosity, which I had incurred, by the measures taken to suppress Burr's conspiracy; and after dwelling upon that state of things, which induced him to consider me a persecuted man, notwithstanding he could not approve of my illegal and arbitrary measures," he then speaks of what was "*the suggestion of his heart, and the whisper of friendship, and the disposition of mind in which he resolved to go some lengths to serve me, and signed the certificate;*" and by so doing, in the sequel of his piece, he "*pleads guilty of an equivocation, flowing from sentiments of humanity, benevolence and friendship.*" "But," he adds, "*note it—with the firm persuasion, that it was not intended to be laid before any tribunal, nor in any shape to meet the public eye;*" thus then, all the effect of this WHISPER OF FRIENDSHIP, and suggestion of Mr. Power's generous heart, which made him resolve to go some lengths to serve me, consisted, merely, in consenting to sign a certificate; which was not, on any account, to be used, in order to satisfy the public mind, when it might have been most important for me, to obviate the slanders which were then publicly propagated on this subject; but which was only to satisfy the mind of the President, whose mind was already convinced, and by whom, it was well known, no doubts of my integrity were entertained. It was, to be sure, a most lame and impotent effort of friendship in Mr. Power; and yet this is assigned as the governing motive; indeed, it appears to be the only reason upon which he relies, in his vindication, for having given me the cer-

tificate. But as if unmindful or doubtful of the ground which he had thus taken in explanation of his conduct, when Mr. Power is called upon, or rather when he undertakes, of his own accord, to explain himself before this court, another new motive occurs to his imagination for having furnished me the certificate, which was, that he might "*continue to serve the Spanish government in whose employment he still was.*" As to Mr. Power's employment in the Spanish service, I would barely remark, that in the certificate he represents himself, not as being then in the Spanish service, but as being "*lately an officer in the service of Spain;*" and in fact, we find by Governor Folch's declaration* that "he never considered Don Thomas Power as an officer in the service of his Catholic Majesty; his commission being only that of a militia officer, without the sanction of the King, and that the last employment, of any kind, for which Power was selected, under the Spanish government, was in the year 1797." Be pleased, gentlemen, to compare this testimony of Governor Folch, with Power's evidence† before the district court, at Richmond, in which he declared on oath, that "*he was, at that time, a Spanish officer, and a Spanish subject, and was therefore, not compellable to answer the questions as put to him.*" Let us however suppose, for a moment, that Power, as he pretends, was actually in the employment of the Spanish government in May 1807, when the certificate was given; I would again enquire how his pretended motive, of continuing to serve the Spanish government, was to be gratified, by putting that paper into my hands, under a promise from me, that it should not pass into any other hands, but those of the President of the United States? In what conceivable way was the object to be attained by this proceeding? or how was his ability, or my ability to serve the Spanish

* See Third Report of the Committee of Congress, Mr. Bacon chairman, pages 48, 49.

† See the proceedings on Burr's trial, reported by order of the President, second series, page 74.

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government, at that period, to be promoted by a secret certificate, which, if we believe Mr. Power, was to have been kept in such inviolable concealment from every profane eye, that he considers the publication of it a cause of such provocation, as justified him in *betraying the confidence of his employers*, and exposing my presumed corruption to the world. Mr. Power, it will be remembered, had declared on oath, before the court at Richmond, "THAT HE COULD NOT, CONSISTENTLY WITH HONOUR, ANSWER ANY QUESTION, WHICH MIGHT OPERATE AGAINST THE KING HIS MASTER; THAT HE WOULD NOT ANSWER ANY QUESTIONS IN WHICH, THE KING HIS MASTER, WAS IMPLICATED;" and he exclaimed, "WHAT WOULD BE THE AMOUNT OF THE DEPOSITION OF A MAN, WHO, IN THE VERY ACT OF DEPOSING, WAS BREAKING HIS MOST SACRED ENGAGEMENTS, AND PRONOUNCING HIMSELF A PERJURED VILLAIN!" The court will also bear in mind, that the occasion of all this solemn parade of conscientious mystery, was nothing more than a question repeated to him, by Colonel Burr, "*whether he knew of any correspondence in cypher by General Wilkinson with the Baron de Carondelet?*" Now, although it is true, that in the vindication which he soon after published, he has not, in direct terms, undertaken to give a particular detail of such imputed correspondence, yet is there any man, who has read his vindication, who does not at once perceive, that it is the object of the writer, by the most malevolent devices, to make the impression upon the mind of every reader, that I had been engaged in an illicit connexion, and corrupt intrigue with the Spanish government, of which Mr. Power himself had been the secret agent? How then, and with what callous effrontery is it, that he should still insist, in the close of his vindication, that by the exposition then made, he "HAD NOT DEVIATED OR DEROGATED FROM THE DECLARATIONS CONTAINED IN HIS ADDRESS TO THE RICHMOND COURT?" and how is it possible, that Mr. Power should escape the effect of his own stigma, by which he stands self-condemned and self-recorded as "A PERJURED VILLAIN?"

The pretence* of which he first tried to avail himself, as stated by Power to Mr. Harper, was simply this; "that the publication of the certificate, by me, at a time when I knew he was summoned as a witness on Burr's trial, was calculated to injure the reputation of him (Power), by holding him up as a person, who had certified one thing, and was ready to testify to another; that therefore, to justify himself, he was determined to publish the whole affair, &c. if he could procure the permission of the Marquis de Casa Yrujo, the Spanish minister; and that he was going to Philadelphia, for the purpose of procuring such permission." Mr. Power, however, has not told us that he did make any attempt to procure such permission; nor is there any evidence whatever, that he made any application to the Marquis de Yrujo on the subject; and there is abundant evidence before this court to show, that the real purpose of his visit to Philadelphia, was not to consult the Spanish minister, but to unite himself to a profligate cabal then in that city, and said to be assembled at "the Mansion House," with whom Power was to concert the measures to be taken against me, and by whom he undoubtedly expected his services were to be well rewarded; accordingly, after having affected to seek permission from the Marquis de Yrujo, to silence his conscience, without pretending that such permission had been applied for, he not only comes forth, in the Philadelphia Gazette, with his statement, which was in itself calculated, to betray the whole secret of my alleged connexion with Spain; but he also puts into the possession of my inveterate enemy, Daniel Clark, all the documents he had forged, in order to substantiate that statement. True it is, Power asserts on oath before the court, "*that Mr. Clark, in making the use he afterwards did of those documents, was guilty of violating the most solemn and sacred promise*, by which he was bound not to let them be published, but to frank and for-

* See Third Report of the Committee of Congress, of which Mr. Bacon was chairman, page 140.

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ward them, sheet by sheet, back again to Power at New Orleans." But the very act of entrusting to Daniel Clark and his partner, Daniel W. Coxe, these fictitious evidences of my guilt, in which "*the interest of Mr. Power's Royal Master was implicated,*" would induce a belief, that all Mr. Power's scruples, proclaimed at Richmond, *under the solemnity of an oath,* were suddenly forgotten, or removed by some magical influence. What that influence was, it is scarcely necessary to conjecture. Mr. Power in one of his old letters to me, which has been read to the court, in speaking of the same Daniel Clark, has himself described "*the pernicious ascendancy which money has over the heart and soul of a mercenary man.*" Is it not probable that in this instance, he who had so well described the influence of gold, might have been also brought to *feel* its effects?

In the commencement of his vindication, Power has referred to a piece inserted by himself in a Richmond newspaper, containing an account of his own appearance, and examination before the court, which he published soon after that examination took place, and a few days before my publication of his certificate; after which, he remarks in his vindication, that "*between his repeated declarations to many of his friends and acquaintances, (he must say it with a blush,) and that certificate, there was a manifest contradiction;—and that between the certificate, and the deductions to be drawn from his declaration, before the Richmond court, there was an apparent inconsistency, which it was now his task to clear up and reconcile.*" Such is the reason, and such the provocation adduced by himself, to justify the disclosure which he was then about to make, and which has since been followed up, by a very convenient and complete supply of narratives, letters and depositions.

In order to expose the futility and falsehood of these pretences, let us for a moment suppose, that I had actually promised Power not to publish his certificate, where was the injury done to his character, by that publica-

tion, which could have provoked him to violate all those obligations of fidelity on his part, which he had professed to feel with so much sanctity? In his statement to Mr. Harper, he seemed to consider the outrage, as consisting in my publication of the certificate, at a time when I knew he was *summoned* as a witness on Burr's trial. But in his vindication, the offence committed by me, appears to have been, in publishing the certificate after he was *examined* as a witness on Burr's trial, and after he had given to the public, his own account of his examination. But if the court will read over that account, which is marked No. 1. in Power's vindication, and is contained in the newspaper with which Power has furnished the Judge Advocate, and particularly, the latter part of it, in which he speaks of the innocence of my correspondence, in cypher, with Carondelet, and of the receipt of monies by me, from the Spanish government on the score of my tobacco transactions, which were two subjects, he there says, he had professed a willingness before the court to be examined upon, under oath. If the court will examine this statement by Power, of his own evidence, with which the printed report of Burr's trial substantially agrees, as far as it goes, it will be immediately perceived, that the certificate, whether true or false, was not published in contradiction of any thing, which Power himself had at that time either said or written. There was, in truth, no variance between them, and it was therefore a false pretence which he made to Mr. Harper, "that the publication of the certificate by me, was calculated to hold him up as a person, *who had certified one thing and was willing to swear to another.*" Nor does there appear to be less falsehood in the remarks, advanced in his vindication, that his previous "*repeated declarations to many of his friends and acquaintances were inconsistent with, or in contradiction to his certificate.*" On the contrary, so far as his declarations are in evidence, it would seem, from the respectable testimony of Captain Bowyer, Mr. Dinsmore, and Governor Claiborne, that, at different and distant periods of time,

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Power had been in the habit, wherever the occasion required it, of avowing and asserting my innocence; until at last, during a very critical and interesting moment, he came forward, of his own accord, in a more formal manner, to make me a tender of his certificate, with a protestation of its truth, unsought for by me, and dictated as he says, "SOLELY BY A SENSE OF JUSTICE, AND A DESIRE TO PREVENT HIS NAME FROM BEING EMPLOYED, TO SANCTION GROUNDLESS CALUMNIES AND SLANDERS, AGAINST ANY MAN'S CHARACTER." It is impossible to believe, gentlemen, if Power were twice as corrupt as he is, that it was the appearance of his certificate in print, which provoked the display of his malevolence; or that, in any part of his subsequent course of conduct, he has been actuated by any motives of regard for character or reputation. The unexceptionable testimony of Major Russell,* and the depositions of George Mather esq., and Colonel William Wikoff, both of them men of high and independent rank and fortune, and untarnished honour, would be alone sufficient to satisfy the court, that Power has no character or reputation left; and that he is considered to be, where he is best known, "the venal dependant of Daniel Clark." We need not then look to any other motive for an explanation, of all his wanton prevarications, and that hideous and wicked combination of

* Extract of the examination of Major G. C. Russell, taken before the Court Martial, of which Brigadier-general Gansevoort was President.

Question by the prisoner. Are you acquainted on the Mississippi?

Answer. I served several years in the Orleans and Mississippi territories.

Question by the same. What is the general character of Thomas Power?

Answer. I know nothing of him myself, but never heard him spoken of in any other terms THAN THOSE OF INFAMY, PARTICULARLY IN RESPECT TO HIS VERACITY.

Question by the Judge Advocate. From what description of persons did you hear this character of Thomas Power, the old settlers of the country, or of the new American population?

Answer. I have heard him spoken of frequently, both by citizens and officers in both territories, the Mississippi and Orleans.

perjuries and forgeries, of which Power has been made the miserable and disgusting instrument. I was about, gentlemen, in proof of his infamy, to refer to what is said of him by another conspicuous witness, on the part of the prosecution; but it must be totally unnecessary, when in addition to Major Russell's representation of Power's character, I have the statement of such men as Mr. Mather and Colonel Wikoff, whose affidavits I shall insert on this record of my defence. These depositions also apply to the character of Daniel Clark, whose testimony I shall presently examine. The characters of the deponents, Messrs. Mather and Wikoff, are intrinsically above reproach, and have received from Colonel Ballinger, a witness summoned in support of the prosecution, a just encomium.

Deposition of George Mather, Esq.

"I believe I have known Daniel Clark esq., since 1784, being about the time he first arrived in Louisiana; I considered New Orleans as his place of residence; I resided twenty-two years within six leagues of New Orleans; the balance of the time near Baton Rouge; on the said Daniel Clark's first arrival in this country, and for several years after, he was considered an honest, industrious young man; but from 1792-93 or 94, his general character for veracity, probity and honour, has been bad; He is known to possess a spirit vindictively malignant, and great animosity towards those he dislikes, and he possesses a very slanderous tongue; his politics have been professedly French, Spanish, and American in turn. Thomas Power's character is considered very bad, for probity or honour; and the public voice has denounced him, as a venal dependant of Daniel Clark.

"GEO: MATHER.

"Sworn to and subscribed before the undersigned, Judge of the Parish of East Baton Rouge, in the Territory of Orleans, this 13th day of October, Anno Domini 1811.

"ANDREW STEELE."

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Deposition of Colonel William Wikoff.

"At the instance of Lieutenant-colonel Z. M. Pike,* the friend and agent of General Wilkinson, I William Wikoff jun. being of lawful age, declare on the Holy Evangelists of Almighty God, that I have known Daniel Clark since the year 1788; that, from that date until May 1804, the period of my removal to Baton Rouge, the said Daniel Clark and myself resided in the city of New Orleans; that the general character of the said Daniel Clark, for veracity, probity, integrity and candour, since the year 1795 has been bad; he possesses a vindictive spirit, and a very slanderous tongue; I have known him at different times, as it suited his interest I presume, to profess himself a Scotchman, a Spaniard, and an American. I knew Daniel Clark a member of the corps of Caribiners, a highly privileged corps, the life-guard of the Governor-general of the province of Louisiana; no person was considered as qualified to serve in said corps, who had not taken the oath of allegiance. The general character of Thomas Power, for honour, truth and veracity, is very bad, and he has always been considered a venal dependant of Daniel Clark.

"WM. WIKOFF, JUN.

"Sworn to and subscribed before the undersigned Judge of the Parish of East Baton Rouge, in the Territory of Orleans, this 13th day of October, Anno Domini 1811. "ANDREW STEELE."

Having shewn, that the motives assigned by Power, could not have been the *real* motives, for the insidious and atrocious attempts which he has made upon my character, and having also shewn, that he has been acting as the corrupt instrument of Daniel Clark and others; it may next be enquired, whether any *other* motive of revenge or personal hostility, has governed his conduct, and has converted him, from being a warm and constant eulogist, into an unrelenting slanderer. It is not for me to fathom

* THE LATE GALLANT BRIGADIER-GENERAL PIKE.

the recesses of the human heart, and to ascertain the fluctuations of its courses and currents; but I may be permitted to present for your consideration, a fact, from which charity itself would not be condemned, for drawing a conclusion unfavourable to the morality of Mr. Power.

On the 8th of March, 1807, Mr. Power addressed to me in New Orleans the following note.*

"Dear General,

"To morrow is the day on which I shall have a considerable payment to make. I have not been able to collect the whole sum; and if I cannot make up the deficiency (which is five hundred dollars), I shall be ruined; I therefore in my distress take the liberty of applying to you, and beg you will do me the favour to lend me that sum, which you may depend shall be returned to you before the end of the month; a service which shall be gratefully acknowledged by

"Dear Sir,

"Your most obedient servant,

(Signed) "THOMAS POWER.

"*General James Wilkinson.*"

The supplicatory style of this letter, carries with it no indication, that I was dependant for fame and character on the silence, the discretion, or good will of the supplicant; and my refusal of the loan countenances a very different conclusion. Succeeding incidents however, soon after I left New Orleans, induced the suspicion that my refusal had made an unfriendly impression, and that Power's poverty had yielded to the corrupting artifices of Mr. Clark, who arrived in that city two days before my departure from it. The deposition of Doctor Pendergrast,† exhibits certain waverings of mind, in relation to his (Power's) future conduct.

* See Third Report Committee of Congress, Mr. Bacon chairman, p. 118.

† Ibid. page 66.

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Deposition of Doctor Pendergrast.

"Personally appeared before me, the subscriber, one of the justices of the peace for the county of Washington, Garrett Elliott Pendergrast, and made oath on the Holy Evangelists of Almighty God, that some time in the months of August or September, in the year of our Lord 1807, Mr. Thomas Power called on him at his house, in New Orleans, where a conversation took place with him, the said Power, respecting his being summoned as a witness in Burr's trial in Richmond. The deponent enquired particularly what he, the said Power, knew respecting Burr's treason, or General Wilkinson's supposed connexion with the Spaniards. The reply of the said Power was, that he could say nothing, that could possibly affect either of the characters of these gentlemen; and that if he was compelled to attend the trial, it would not be before his debts were paid. This last expression was spoken with an air of peculiar significance, as if he wished to convey the idea, that he must be well paid for going to Richmond, by the friends of Burr.

"Sworn to before me this 5th of May, 1808.

(Signed) "THO: CORCORAN."

Observations on Thomas Power's testimony.

Let us combine the evidence of these documents, with the course of conduct, since pursued by Power and his patron Mr. Clark, and the sinister concert and corruption, must be manifest to every man of candour and intelligence. I presume, gentlemen, it is unnecessary for me to go into any further explanation of the character of this man, to satisfy you of his inconsistency and depravity of heart. By his own confessions, and by the testimony of others, he has been made to appear to you, as utterly lost to probity and principle; telling at one time a tale, which at another he contradicts;—now solemnly averring my innocence, and then declaring me guilty;—professing his disregard to truth in political concerns;—demanding money of me, and being refused;—arraying himself with my enemies;—acknowledging his pecuniary

difficulties, and professing his determination, not to attend Burr's trial until his debts were paid;—embarking with Mr. Clark at New Orleans, and accompanying him to Richmond;—swearing before the court there, that HE WAS A SPANISH OFFICER, after he had previously declared to Governor Claiborne, HE HAD WITHDRAWN FROM THAT SERVICE, and when, in truth, he was no such officer;—declaring on his oath, that he could answer no question which went to affect "his royal master, WITHOUT PRONOUNCING HIMSELF A PERJURED VILLAIN," and yet, soon after furnishing his patron, Mr. Clark, with documents to confirm his representation of the sinister intrigues, of the officers of his royal master, against the interests of these states, and thereby, according to his own testimony at Richmond, perjuring himself, *ipso facto*. All these circumstances, together with the general infamy of his character, so strongly connected, and so well established, will, I trust, suffice to satisfy you, gentlemen, that Mr. Thomas Power is altogether unworthy of credit, and that his testimony ought not on any occasion to be received in evidence.

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CHAPTER IV:

Daniel Clark's deposition delivered to the House of Representatives, January 11th, 1808.—General Wilkinson's first visit to New Orleans, June, 1787.—His motives for it.—Daniel Clark's memoir presented to the secretary of state, Colonel Pickering, in 1797.—Oliver Pollock's deposition referred to.—Project of the Baron Steuben in 1787.—Enterprise of Colonel George Morgan in 1789.—General Wilkinson revisits New Orleans in 1789.—Leads an expedition against the Indians in 1791.—He re-enters the service in December of the same year.—Colonel Daniel Clark's letters referred to.—Daniel Clark's correspondence.—Argument on the inconsistency of his statements.—Testimony of Doctor Carmichael, Doctor Elmer, the late Colonel Scott, and Colonel Kingsbury, referred to.—Observations on Daniel Clark's letters and statements.—Daniel Clark's letter in 1803 to secretary Madison.—Observations on the same.—General Samuel Smith's letter, and Oliver Pollock's deposition, referred to.—Clark's statement falsified by the evidence of Governor Wright, the Honourable Willis Alston, jun. and Colonel W. Lowry.—General Smith's testimony confirmed by the Honourable Walter Jones.

FROM the painful examination of the testimony of Mr. Power, I proceed to that of Mr. Daniel Clark, who has presented himself as my leading accuser.

Daniel Clark's testimony examined.

Referring to his statement* on oath, presented to the House of Representatives in January 1808, AFTER ELEVEN DAYS OF PREPARATION, and now offered in evidence to this court, I, in the first place, do affirm, that his uncle was not rich, and that I was not introduced by him

* See Appendix, No. V.—First Report Committee of Congress, W. Butler chairman, p. 147.

to the Spanish governor, or any other officer at New Orleans. I landed at that city, for the first time, in June, 1787, a perfect stranger (for, although I had seen Mr. Clark, the elder, in Philadelphia, I had no acquaintance with him), and was escorted directly to the Government House, by a corporal of the guard, stationed at my place of landing. I named myself to Governor Miro, and after some conversation, proceeded to visit the intendant Navarro and contador Oro; and on the same day, I was so happy as to be permitted to take quarters, with the family of my respectable, dear and honoured friends, Doctor and Madam Dow, where Mr. Daniel Clark sen., visited me the next day, and thus commenced our acquaintance. I mention these unimportant circumstances, to expose a flash of family ostentation and pride in the nephew, and to shew that my chief accuser, began with falsehood, from which, it will be perceived, he has not deviated in the smallest degree.

In respect to my concerns with the Spanish government, the nature of them will be best explained, by adverting to the then situation of Kentucky, and the motives by which I had been induced to settle in that country, about the conclusion of the revolutionary war. My circumstances being at that period far from affluent, it became my duty to a young and beloved family, to endeavour, by all honourable means, to advance my fortune. For this purpose, I abandoned the society of my friends and relations, and, I might add, the sweets of polished life; but on my arrival in Kentucky, my expectations were damped by the obstructions, which the Spaniards opposed to the free navigation of the Mississippi. The feelings which those obstructions had excited, and the neglect which appeared to prevail on the part of the Atlantic states, to the interests of the western people, are eloquently and forcibly expressed in the petition, which the convention, delegated by the citizens of Kentucky for the purpose, addressed to the government of the United States, about the year 1787, on the subject of their grievances. It is notorious that the measures of the federal

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administration were, at that time, feeble and dilatory. The formation of the national compact, under which we have acquired political importance, was then under consideration; but, it was uncertain at what period the rights of Kentucky, to the navigation of the Mississippi, would be asserted and acknowledged. The pressure of these circumstances, produced my first voyage to New Orleans, with a view to promote my own fortune, and to benefit my fellow citizens, by awakening the Spanish government of Louisiana, to a just sense of its interests, and thereby to effect the commercial intercourse, which was indispensable to the prosperity of the western country. The success of my visit; the manner in which that success was effected; and the public benefits which resulted from it, I will take the liberty of stating in the words of Mr. Clark himself, as extracted from a memoir*, now in evidence before the court, confidentially transmitted to the Honourable Timothy Pickering, when secretary of state, in the year 1797; at a time, when Mr. Clark was labouring to recommend himself to our government, and acted without personal bias, or the prejudices of faction. He gives me more credit for stratagem and talents than I merit; but his statement is substantially correct, and it is corroborated by the testimony of Oliver Pollock,† who, on his oath, declares, "*Governor Miro informed me, in the year* 1791, *he had granted General Wilkinson permission to bring tobacco to New Orleans, in order to keep quiet the people of Kentucky, until the two governments could bring their differences to a close, by an amicable arrangement.*" Mr. Clark's report, a free and voluntary offering, proves what were his impressions on the subject when he wrote, and it constitutes the best evidence in my favour, because it is the production of the pen of an avowed enemy. The following extract from Mr. Clark's memoir, gives me credit for enterprise and patriotism. "HE, GENERAL WILKINSON, WAS ADVISED TO INSIST, THAT THE GO-

* See Appendix, No. VI.

† See Third Report Committee of Congress, page 38.

VERNOR SHOULD INSURE HIM A MARKET, FOR ALL THE FLOUR AND TOBACCO HE MIGHT SEND, as in the event of an unfortunate shipment, he should be ruined, whilst endeavouring to do a service to Louisiana. THIS WAS ACCEPTED, AND FOR SOME TIME ALL THE TRADE FROM THE OHIO, WAS CARRIED ON IN HIS NAME; a line from him sufficing to ensure to the owner of the boat, every privilege and protection he could desire. ON GRANTING THIS PRIVILEGE TO WILKINSON, THE GOVERNMENT CAME TO A RESOLUTION, OF ENCOURAGING EMIGRATION FROM THE WESTERN COUNTRY, AND OFFERED PASSPORTS TO ALL SETTLERS, WITH AN EXEMPTION OF DUTY, ON ALL THE PROPERTY THEY MIGHT BRING WITH THEM, INVESTED IN THE PRODUCE OF THE COUNTRY. THIS ENCOURAGEMENT GIVEN TO EMIGRANTS AND SPECULATORS, OPENED A MARKET FOR ALL THE PRODUCE OF THE OHIO."

But although Mr. Clark may, in this narrative, have stated such facts as reached his knowledge, others remain to be explained, of which he could have had no information. These, are not relevant to the specific matter embraced by the charges; nor are they necessary to rebut the testimony adduced in support of them; but they may serve to dissipate the clouds of suspicion, which are rising in constant succession, to envelope my conduct in mystery, and to supply the place of proofs.

Notwithstanding the lapse of time, it will occur to many living contemporaries, and it is even susceptible of proof, that about the year 1786-7, the Spanish cabinet had projected a plan of colonizing Louisiana, from the United States, and it will be remembered, that, their minister Gardoqui, had so far engaged in this project, as to send several vessels to the Mississippi with colonists.

About this time, in the decline of the feeble confederation which connected these states, Major-general the Baron de Steuben, and many revolutionary officers of rank and citizens of respectability, opened a treaty with Gardoqui, for the grant of an extensive district of country west of the Mississippi; upon the plan of establishing a military

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colony, to be composed of Americans, under particular privileges and exemptions. It is a notorious fact, that, pursuant to this, or some similar project, Colonel George Morgan, under the sanction of Mr. Gardoqui, descended the Ohio, with a considerable body of adventurers, in the winter of 1788-89; and made an establishment on the Mississippi, about forty-five miles below the mouth of the Ohio, which he called New Madrid, the name by which the place is still known. But as this project originated with Gardoqui, without any concert with the governor of the province, Don Estevan Miro, and as a misunderstanding had previously taken place between them, Mr. Miro availed himself of his authority, to discountenance the views of Gardoqui; he accordingly established a military post at New Madrid, and the infant colony was crushed in the cradle; but the Governor was influenced by other motives, which I shall briefly explain, and it may be proper to remark, that the court of Spain would not sanction the plan of the Baron Steuben and his associates.

When I first descended the Mississippi in 1787, the project of colonisation which occupied the mind of Mr. Gardoqui, was known to me, and I determined to employ this knowledge, either for my personal emolument or the interests of my fellow citizens. Governor Miro, the intendant Navarro, and our interpreters, were the only persons, to whom my most interesting propositions were communicated. To effect my primary object, the opening the navigation of the river, it was necessary not only to take the ground of safety to the province, but to shew the important advantages, which would be derived to the revenues of Spain, from a commercial intercourse between New Orleans and the settlements of the Ohio. To these considerations, an extensive scheme of colonization was added, under a specific proposition, for the settlement of several thousand families, in that district on the Mississippi, which is now called West Florida; or one to be laid out on the Arkansan and White rivers; lands were to be granted to the heads of families, in proportion to their

numbers and condition, and I was to be allowed, from one to three hundred dollars per family, on the same scale. It was urged, that the grant of lands would effect the migration, and the bounty per family might be put in the pockets of those, most actively engaged in promoting the plan. It was at this time, I presented a list of respectable names as emigrants, to give consistency to my propositions; and this is, in all human probability, the list of which Mr. Clark may have heard a whisper, when a clerk in the Spanish secretary's office, and which he has converted into a list of pensioners.

There was another project, depending on the preceding, which was considered of more importance, if it could be effected, in relation to the fortunes of the concerned; this was, that I should demand for my services, in promoting the plan of colonization, the privilege of furnishing, a considerable annual supply of tobacco, to the Mexican market, which would have secured immense fortunes for me and my friends. The idea of alienating Kentucky from the United States, while a prospect of national protection remained, would have been as absurd, as the idea of reducing them to the vassallage of Spain. Such a proposition would have been so vain and chimerical, that no man, whose interest it was, to preserve a consistency of character with the Spanish government, would have ventured to hazard it. Indeed, the monstrous extravagance of the thought, is too ludicrous for grave consideration, and could never have originated, with any person who understood the character, genius, and government of the people of the United States.

Under these stipulations and impressions, I embarked at New Orleans on my return to the United States, in September, 1787; and after a variety of perils and hardships, reached my family in Kentucky in February, 1788. I revisited New Orleans in 1789, to break up the co-partnership *formed for me*, without my authority or approbation, by Messrs. Clark and Dunn. I was then informed by Governor Miro, that the opening of the trade of the Mississippi to the western inhabitants, had been approved by

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his court, and that permission for the settlement of American emigrants had been granted; but he informed me he had received no advice, on the subject of our plan of colonization, or the tobacco speculation. I returned to Kentucky, and pursued the trade in which I was engaged, until the year 1791; when, disgusted by disappointment and misfortunes, the effect of my ignorance of commerce, I resumed the sword of my country in December of the same year, having previously made two successful expeditions against the Indians; in the first of which I acted as second in command, and the second I led in person.

In these transactions, I can speak only of my own motives and actions, and by them I am persuaded I shall be judged. From the character under which I approached the Governor and Intendant of Louisiana, and the tenor of my whole conduct, it is not probable, that they should have proposed to me any measure of dishonour: yet it is but reasonable to presume, that they had duties and obligations to consult as well as myself; and while our personal interests were made subservient, it was fair that they should play back upon me my own game, to the best advantage, a distinct policy might suggest. I deny the right of any power in existence, to question me for my negociations with the Governor of Louisiana in 1787. And I am satisfied impartial posterity, will render justice to the personal enterprise, and pecuniary sacrifices, by which I contributed more essentially, to advance the fortunes of the western people, than any other individual of my country; nor will it be denied, when my enemies are forgotten, that the projects for which, I am now charged with traitorous designs, had a direct tendency to accelerate, the annexation of Louisiana to the United States. For he must be a superficial observer, indeed, who having read the Roman History, has not discerned a case parallel to the propositions of the Spanish government, for defending Spanish America by the citizens of the United States, against their own brethren, and the government of their choice. But, that I have ever, in all

my correspondence and intercourse with the Spanish government, conceded a tittle of the honour or interests of my own country, I most solemnly deny, in the face of God and man; and I have ample and undeniable testimony to shew that I omitted no occasion, to employ my ascendancy over the officers of Spanish Louisiana, to render them subservient to the interest, and accommodation of the United States. It is also a truth undeniable, that I have employed this influence, most advantageously to my country, with the late Governor Gayoso and his successors, down to the surrender of the province. An hundred thousand dollars, would not have met the expenses, which by my personal address, and unremitted attention to the interests of our common country, I have contrived to save to the government; and the explanation, if relevant, would be brief.

By this extract from Mr. Clark's memoir, and the preceding statement, you are furnished with a clear view of the motives, by which I was influenced in my adventure to New Orleans; of the intercourse which ensued, and the nature of my transactions with the Spanish government. The subject on which I was employed, was one of the greatest delicacy; and you will perceive, that it was necessary to operate upon the fears, the avarice, and the ambition of these with whom I negotiated, before I could hope for any prospect of success. But my triumph was complete, and I effected more, than had been accomplished by the previous negotiations of the government, at the court of Madrid. I obtained, in the first instance, a permit from Governor Miro, to introduce to the market of New Orleans, thirty-five thousand dollars worth of the produce of Kentucky; but the evidence of this permission, in the destruction of papers consequent on my erratic life, has been unfortunately lost. It has however been my good fortune, to preserve the second permit, dated Aug. 8th, 1788, in which my commercial indulgence is limited to the produce of Kentucky, and the inhabitants of that district. And thus, by my individual enterprise and address, a market was opened to my immediate fellow-citi-

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zens, which was soon extended to the whole western country, producing the happiest effects, in stimulating the industry of the citizens, and promoting their general wealth and prosperity. The original permit is in evidence before the court, of which the following translation has been made by John Graham esq., of the department of State.

Permission of the Spanish Governor Miro to trade to New Orleans.

"I, Don Stephen Miro, Colonel of the Royal Armies, Political and Military Governor and Intendant General of the Provinces of Louisiana and West Florida, and Inspector of the Troops, &c. &c. Grant free and full permission to the American Brigadier Don James Wilkinson, settled in Kentucky, to direct or cause to be brought into this country by inhabitants of Kentucky one or more launches belonging to him, with cargoes of the productions of that country:—Therefore, I command all officers belonging to this government not to offer any hindrance to his voyage: on the contrary they are to render him every assistance that may be necessary. The present is given, signed with my hand, sealed with the seal of my arms, and countersigned by his majesty's secretary for this government, in the city of New Orleans, the 8th August, 1788.

(Signed) "STEPHEN MIRO.

"Andres Armesto, *secretary*."

These voyages cost me upwards of a thousand guineas, and the community of which I was a member, profited by my toils, perils, and expenses.

We may look to the same paper, for the source of those jealousies and suspicions, which gave rise to the accusation, of my being a Spanish pensioner. My transactions were confined to Governor Miro, and Intendant Navarro, and of course were secret; which necessarily gave room for every idle conjecture, which whim might suggest or malice dictate. My influence in the cabinet, was evinced, by the effects it produced; and ignorance, incapable of estimating my resources, and envy, solicitous

to misrepresent my conduct, might plausibly attribute it to an illicit connexion. CHAP. IV.

I have, gentlemen, nothing to conceal from you; I acknowledge my intercourse with the Governor of Louisiana, was so far political as to conciliate discord, and promote the emigration of our citizens to a region, which I considered a natural appendage to our country. I anticipated at that time, and did predict to many persons, what has since been realised; that every American transplanted to Natchez, would become a scion to increase the future strength of the United States; and I did then, and do still believe this policy to be correct; but my great concerns were strictly commercial; I had obtained permission from Governor Miro, to supply tobacco to the royal magazine, and it being a monopoly of the crown, private dealings in that article were interdicted. This was a measure, emanating from the discretion of Governor Miro, and Intendant Navarro, and I doubt, whether the court of Madrid ever heard of it. The four thousand dollars alleged by Mr. Clark, in his deposition, to have been paid La Cassagne on account of my pension; the six thousand dollars paid the unfortunate Owen; the sum paid Collins, which Mr. Clark on his oath falsely states to have exceeded eleven thousand dollars, and the nine thousand dollars received from Philip Nolan, my agent, are accounted for by him in his letter of January 6th, 1796,* and a rough draft of his account in his hand

* "*New Orleans, January* 6, 1796.

"My dear General,

"I wrote to you last year from Natchez, informing you of my then situation and my prospects, I am now again here in safety from my third trip to the *unknown land.* I brought 250 horses to Natchez, and left them in a rush brake, with my faithful Forester and two young Mexicans, and came to this place to do honour to the Baron. I have been called on by your friend Gilberto, to examine the state of your accounts with Don Estephen Miro (who is reported dead.) I demanded the balance, but he observed that it was stipulated between you and your friend, that it was to be paid by instalments; and I could only get nine thousand dollars, which I will forward (to avoid dangers of the sea) by the Mississippi, as I cannot find insurance under

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writing, transmitted to me from New Orleans, at a time when he had been absent from me seven years, which have been read in testimony before the court.

It is possible Mr. Clark may not deny the authenticity of the memorial, to Mr. Pickering, which I have asserted to be his; but if he should, which is also very possible, the deposition of John Graham esq., hereafter referred to, may be appealed to as evidence of the fact. The reflection naturally obtrudes itself in this place, that, although my connexions, with the Governor of New Orleans, were politically innocent, and commercially interested, having for their object my private benefit, and the interests of the western country, yet, it is impossible that I should have been able to develope, what might have been the latest views of the Spanish government, in relation to the imputed disseverment of the union, or the calculations on my agency: surely no expectation founded on the privileges or indulgences, granted to the western country at my instance, or for my individual emolument, can be construed to affect me, unless by some corresponding act on my part, I had established my co-operation.

a premium of 12½ per cent. You have a copy of the account inclosed, as rendered by him to me, which leaves a balance of 2095 dollars in your favour. You will excuse me, when I recommend it to you to pay this sum to the heirs of Bouregard, who are much dissatisfied with you, as they have not yet received satisfaction, for the money you were authorised by them, to collect from the state of Virginia. The Contador Don Morales is concerned in that claim; he of consequence is your enemy, and is disposed to give you all the trouble in his power. If you have any future commercial views to this place, you should endeavour to do away his prejudices.

"I objected to the immoderate premium, on the money forwarded by our unfortunate friend Owen, but Gilberto observed that there was no regular office, and he was obliged to make a private contract; however, this may be, as matters have turned out, it is not for you to complain.

"Clark has called on me for 337 dollars, an error in the settlement made between his partner Rees and yourself; I have informed him I would take your advice on the subject.

"I have paid Gerault of Natchez 147 dollars, balance due him on account of his Illinois lands.

"Expect me next summer, and believe me your devoted

"PHILIP NOLAN.

What was the condition of the people of Kentucky at that period? open to savage depredations; exposed to the jealousies of the Spanish government; unprotected by

"*General James Wilkinson in Account with Don E. M.*

"DR.

"1790	June 2,	To Cash paid Philip Nolan -	$ 1 800
1792	Aug. 4,	To do. remitted by Lacassan -	4 000
1794	July 29,	To do. remitted by Owen -	6 000
		To do. paid insurance 12½ per cent	750
		To do. remitted by J. E. Collins	6 350
1796	Jan. 4,	To do. paid Philip Nolan per receipt	9 000
		To balance due J. W.	2 095
			$ 29 995

"CR.

"By net proceeds of 235 hogsheads of Tobacco, condemned in the year 1790 by Arrietta, and passed in the year 1791 by Brion - -	$ 17 874
By so much recovered for loss sustained on the cargo of the boat Speedwell - -	6 121
By so much sent by H. Owen, insured -	6 000
	29 995
Balance due James Wilkinson	$ 2 095

New Orleans, January 4, 1796.

(Errors excepted.)

for Don E. M.

GILBERT LEONARD."

"*Natchez, Mississippi Territory, County of Adams.*

"We the subscribers, having been long acquainted with Philip Nolan deceased, by our correspondence and transaction of business with him, do declare that the within account dated at New Orleans, January 4th 1796, and signed Gilbert Leonard, is in the hand writing of the said Nolan; and we do further declare that the said Nolan left this territory about the month of May, 1800, and was killed the ensuing summer, by the Spaniards in the province of Texhas.

"LEWIS EVANS.

"Lewis Evans swore and subscribed to the above affidavit before

"SAML. BROOKS, J. P."

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that of the old confederation; and denied the free navigation of the Mississippi, the only practicable channel by which, the products of their labour could find a market. If I had not accomplished the indulgence for them which I did, and which Mr. Clark *allows* I did, is it not within the compass of possibility, nay, is it not very probable, that a people thus driven by their necessities, and urged by what they considered the neglect of their own government, might in reality have sought relief in a connexion with Spain? and thus the very act charged against me, as a high crime, under the critical circumstances of the times, when calmly examined, must redound to my credit, as being instrumental to the PRESERVATION, instead of the VIOLATION of the union.

And is it credible, let me ask you, gentlemen of the court, that for fifteen or sixteen years, the Spanish government should have continued to pension a man, under the bare EXPECTATION of service, without that man's having taken one step to forward their designs? Were the Spaniards to be deluded by mere proposals for so long a time? Would they not have required from me, some act of omission towards my own government, or some deed of commission in favour of the government of Spain? My adversaries do not pretend to point to a single case, wherein I have neglected my duty; they do not designate a solitary instance, wherein I have served Spain, or moved a step to promote her interests; WHERE HAVE I FAILED TO PERFORM, WHAT HONOUR AND DUTY HAVE REQUIRED OF ME? WAS IT ON THE FROZEN BORDERS OF CANADA, OR THE ARID COASTS OF FLORIDA? WAS IT AT LOFTUS HEIGHTS? WAS IT IN TAKING POSSESSION OF NEW ORLEANS? IN MY GOVERNMENT OF LOUISIANA? UPON THE SABINE? OR IN THE DISCOMFITURE OF BURR, AND HIS CHOICE SPIRITS, WHO NOW PERSECUTE AND OPPRESS ME? let candour speak, I defy the truth.

Mr. Clark declares, that he saw a list of names at New Orleans, in my hand writing, and that he "*then* DISTINCTLY UNDERSTOOD *that myself and others were pensioners of*

the Spanish government," but he is silent as to the source of this "DISTINCT UNDERSTANDING." He unites certain circumstances in his own mind, understands them as he pleases, and then swears to his understanding!

I trust, gentlemen, you appreciate such artifices according to their merits, and that you will adopt no man's understanding, much less Mr. Clark's, as the criterion of your decision, when it is not supported by respectable and authentic vouchers.

You will observe, gentlemen, Mr. Clark insinuates he had personal knowledge, of my receiving money as a pensioner of Spain, in the years 1793-4; it will certainly be acknowledged, that the uncle of Mr. Clark, who was my agent, and possessed great influence in New Orleans, must have enjoyed greater opportunities than the nephew, to acquire a knowledge, of the nature of my connexions with, and engagements to the Spanish government.

Yet mark the correspondence of that respectable character with me. I present you a letter from him to me, dated in March 1798,* in which he solicits my patronage with my government, to procure for my present enemy, the Consular Office at New Orleans; he does not speak to me as a man liable to the suspicions of my government, or as if I had done any thing to forfeit, the character of an American patriot and soldier; he tells me, "YOU HAVE WEIGHT AND INFLUENCE WITH YOUR GOVERNMENT, AND IF YOU INTERCEDE FOR MY NEPHEW DAN, HE MUST PREVAIL:" Nay, gentlemen, this very Daniel Clark, the living personage, my insidious calumniator, did, himself, move his uncle thus to solicit me, though he pretends that four or five years before, he knew me to have received a pension from Spain. This is the young man whom his deceased uncle, (woefully deceived in him) informed me was "A YOUTH OF NICE SENSE OF HONOUR." I leave it to you, gentlemen, to decide, whether it is probable Mr. Clark, (be his honour nice or not) would have

* See Appendix, No. VII.

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applied to a Spanish pensioner, to intercede with the American government, for a post of honour or profit for himself. On any other occasion but that of the vindication of my honour, I certainly should not produce testimonies of private confidence, the effusions of a sacred friendship; but in this case, the shade of my deceased friend, which looks down with anguish on the turpitude of the nephew, would reproach me with bitterness, did I fail to employ every memento he has left me, to justify my fame against the foul aspersions, with which it has been assailed. I shall therefore lay before you, other letters of the deceased patriot, and I now present one* bearing date November 3d, 1798, a few days after the memorable interview at my camp, as stated by my accuser. In this letter, the uncle calls on and urges me, to take possession of New Orleans. *"I wish to eat my Christmas dinner, (says the old gentleman) with Governor Wilkinson at New Orleans: Great God! cannot this work be effected? I tell you sir, I will carry a brown bess on my shoulder, with a youthful agility, to assist on that occasion. Dan* (meaning my present enemy) *will help with activity; Dick* (the brother of Dan) *will help with all his soul, and Jane*† *says she will make lint; so you have the family of Clark's truly at your devotion. I will also make the poor black fellows useful to you. I tell you General, you must take New Orleans, ere a permanent tranquillity, can reign in the United States, or agriculture and commerce can flourish. These are objects I am solicitous to see accomplished, ere I attain my threescore and ten, to which, you know, I have but two or three years to run."* Such was the language of the elder Mr. Clark to me in the year 1798; when in the sixty-seventh year of his age. He addressed me in the fulness of confidence, not as a Spanish pensioner, but as an American attached to his country, zealous to promote her interests, and prompt to assert her rights. Let it be remembered, gentlemen,

* See Appendix, No. VIII.

† His amiable and respectable consort.

that Colonel Clark was intimate, with the Governor and the superior officers of Louisiana; that he possessed their confidence, and was my first agent.

I hold in my hand another letter from the same source, dated the 30th of May, 1799,* which I beg leave to offer to the court. From this I shall not quote, because, though most flattering to my feelings and honourable to my character, it relates more to the sensibilities of the heart, than my public conduct, yet you will find, even in this letter, that my old friend, cannot forbear following me with his benedictions, and praying "THAT MY COUNTRY MAY LOAD ME WITH MARKS OF ESTEEM."

Certain observations made by Governor Folch, (in a document to which I have before alluded) will here find its appropriate place, and coming from an officer of rank and character, not less esteemed for his high military standing, than his intellectual force and amiable manners, cannot fail of its due weight. "*I am confident*"† says Governor Folch in his answer to Governor Claiborne,—of which I had no knowledge until it was sent me from the office of state, "*that Governor Don Estevan Miro, Baron de Carondelet, Don Manuel Gayoso de Lemos, the Marquis de Casa Calvo and myself, have on all occasions, entertained the most favourable opinions of, and sincere friendship for General Wilkinson. His qualities as an honest man, and fidelity to his country, entitled him to our particular attention and regard, and to consider him worthy the commission he holds. Should his conduct*" adds the governor,—and it is to this part, gentlemen, I pray your particular attention, "*be in the light that it is maliciously represented, we who were well acquainted with the treatment due to that class of people, would never hold him in our high estimation; persons of that description are always when their services are wanted, treated with an apparent esteem and considered with the utmost contempt, as destitute*

The Spanish Governor Folch's letter to Governor Claiborne respecting General Wilkinson's connexion with the Spanish government, at New Orleans.

* See Appendix, No. IX.

† Third Report Committee of Congress, Mr. Bacon chairman, p. 47.

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of all honour. Such services are rewarded with money, but by no means with regard or affection."

Colonel Clark's correspondence referred to.

These remarks apply strongly, to the letters of the deceased Colonel Clark, who, being himself a man of high feelings, and strongly attached to the welfare of the United States, as may be discovered from his letters, would never have addressed a Spanish pensioner, and an enemy of the union in the style he did me.

I know not how it is, that a man so infamous as I have been represented, should have been so highly respected, by all the family of the Clarks; but another letter from the same respectable character, which I now present, dated May 30th, 1799,* demonstrates that my services were solicited, as well on religious as in civil concerns; not only to procure an office for the nephew, but a pastor for the church. Nor will you find, gentlemen, what malice may conjecture, that the uncle was in his dotage; his letters exhibit his true character—a mind, shrewd and comprehensive—feelings, noble and generous —of matured judgment and quick discernment—frank in his manners and decisive in his opinions.

So late as March, 1800, this same venerable friend, tells me in another letter, now submitted to the court,† *"You have long been in possession of my sincere regard, esteem and affection, and were you to render me ten thousand services, they could not augment it. Your friendship for Dick,"* his nephew and the brother of Daniel, *"by the exertion of your influence with the administration, in procuring him a commission,‡ is a fresh instance of your kindness to the Clarks. I hope Dick will not dishonour his friend's recommendation, that my namesake,"* my accuser, *"may feel it as I do, and be grateful as I am."* I fear,

* See Appendix, No. X.

† See Appendix, No. XI.

‡ General Wilkinson procured for Richard Clark, the brother of my accuser, Daniel, at the earnest solicitation of his family, a lieutenancy in the naval service of the United States. He embarked on board the Insurgent and was lost in that frigate.

gentlemen, your patience may become exhausted at this minute recital; but when you reflect, that my honour has been barbarously attacked, and through me, *the honour of the army and our profession*, has been cruelly assailed, it devolves on me, as a sacred duty, to repel the hellish outrage, by every means I may be able to compass. CHAP. IV.

I must, therefore, trespass on your patience, by producing two other letters of the deceased Colonel Clark; the first,* now deposited, is without date, but was written in the month of June, 1799, when I was about to leave my family, on a visit to General Hamilton, at New York, and exhibits the most ardent wishes for our happiness; the other,† now presented, dated as early as the 6th June, 1788, serves directly to explain, the nature of my commercial transactions at New Orleans, and hints at the connexion, which is fully proven by Oliver Pollock's deposition. In this letter Colonel Clark speaks of my tobacco, of my boats, and the state of the markets, in a style, perfectly consonant to the language of my accuser (Clark), in his memoir presented to Mr. Pickering, heretofore referred to; and as there could, at that day, be no motive to misinterpret my conduct, it speaks the plain unvarnished language of truth; and this letter also confirms my assertion, that the deceased Colonel Clark was not, at that time, wealthy, for he complains of his "*little capital*," as being insufficient, to bear the expense "*of a small house, which he at that time lived in, and he calls on me to make him rich, as I had promised to make another person.*"

From the deceased, I will turn to the living Clark, and from the various letters, I have at different times, received from him, I shall, in the first place, present you one dated May 5th, 1803,‡ which will enable you to discern, that Mr. Clark is a man capable of dissimulation, and much contrivance in all his concerns; that he understands well, how to operate on the human passions, and is

Daniel Clark's correspondence referred to.

* See Appendix, No. XII. † See Appendix, No. XIII.
‡ See Appendix, No. XIV.

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well skilled, in turning the most insignificant affairs to his advantage. The same letter will also designate, another trait of his character, very necessary to be understood: he tells you, that the consular office had never been solicited on his part; but a recurrence to the letter of his uncle, already referred to,* wherein the old gentleman informed me, that "*Daniel had wrote to him, to solicit me to interfere in his behalf,*" will demonstrate, that there is no reliance to be placed on his assertion, and that the present Mr. Clark, in the most calm and deliberate manner imaginable, to gratify his vanity, his pride, his ambition or revenge, can assert what is utterly untrue.

Another letter from Mr. Clark, of the 13th April, 1803, I also produce,† to pourtray my leading adversary in his true colours. You will find, in this letter, that he describes himself, "*as competent to personate any sort of character, to become a profound hypocrite, and outwhine and cant the French prefect, Laussatt himself.*" To other parts of that letter, I also pray you, gentlemen, to pay strict attention; you will perceive, how extremely anxious Mr. Clark appears to be, to embark in some desperate enterprise, which might elevate him from the obscurity of his birth, of which he was ashamed, and indulge his pride. The professions of attachment to the union, imperfectly conceal the restless impatience of his soul; he speaks of "A MILLION OF THOUGHTS REPRESSED ON THE OCCASION."

In the developement which this review will afford, you will be called on, gentlemen, to mark the connexion of the sentiments uttered by Mr. Clark, in the year 1800, with a certain expedition to Mexico, which he contemplated, in his association with the adherents of Colonel Burr, in 1806.

You are, gentlemen, but little acquainted with the indefatigable industry of Mr. Clark, to raise himself in the public estimation. A letter addressed by him to me,

* See Appendix, No. XV. † See Appendix, No. XVI.

dated February 26th, 1803, shews that he had gone to Paris, no doubt with the view to ascertain, what could be done in his own favour, with the French government, when the latter were about to take possession of Louisiana. Whether the French government penetrated the man's true character, or whether he was deficient in those externals of address, which may be necessary to succeed with the French rulers, certain it is, that he was foiled in his designs; and the uniform tenor of his letters, after his return, proves that he was determined on revenge, *and that he was willing to convert himself into a spy upon the French,* UNDER MY DIRECTION, *to render himself more acceptable to the American government.* And we have since beheld this *champignon,* with the aid of his deluded adherents, vainly assuming a fastidious attitude, to raise himself above his superiors, and place me at his feet. CHAP. IV.

The following extract of a letter from Mr. Clark to myself, dated May 20th, 1803, corresponds with the delineation of the character I have submitted to you. "*I am much caressed by the Spaniards,*" says he, "*and have been noticed at all the public dinners, and should any thing for us or Spain turn up, will* ACT A GREAT PART HERE!" The idea of greatness, in truth, seemed continually to haunt his mind—never suffering him to be quiet; disappointed in one quarter, he turned to another, and never hesitated at the means of accomplishing his desires, whether by WHINING AND CANTINGS, BY ESPIONAGE OR REVENGE; and thus we find, that this man, who now is so much ATTACHED TO THE UNITED STATES, and who so cordially DETESTS THE SPANISH GOVERNMENT, was ready at that time, to seize upon the first occasion, to act a great part "FOR US OR SPAIN." Here we discover him to be destitute of patriotism, principle and fixed attachment. Charge not me, gentlemen, I beseech you, with discolouring this portrait. In his own letters, by his own hand, has the likeness of Mr. Clark been more strikingly drawn, than it

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could be by any ingenuity of mine, or indeed, of any man who did not perceive the secret workings of his heart, and had not particularly noticed his tergiversations. A letter from the same gentleman to me, dated May 14th, 1803,* exhibits his duplicity in a very strong light; he does not scruple to tell me, THAT HE HAD ASSERTED A FALSEHOOD, TO SERVE HIS PURPOSES. From his own confessions it is manifest, that, like the nurse in Romeo and Juliet, Mr. Clark wears his morality as he does his hat or his cloak, to be put on or off at his discretion.

I could produce many other letters of Mr. Clark, to shew, that pending the critical period of 1803, when the French army was expected at New Orleans, under General Victor, he reposed boundless confidence in me; relied on my friendship and guidance, and even submitted, to my inspection and direction, his communications to the secretary of state; in none of those letters is there a solitary allusion, to any connexion between myself and the Spanish government, nor the most distant insinuation, that I had been bribed or pensioned. Ardent in his professions of attachment, to the government of the United States, he invariably courted my attentions and sought my confidence, by pressing upon me, the SINCERITY OF HIS WISHES TO SERVE THAT COUNTRY, to which my whole life has been devoted; and this, at THE VERY MOMENT HE ENJOYED THE PATRONAGE, AND BASKED UNDER THE FAVOUR OF THE SPANISH GOVERNMENT, of which he then professed to be a liege subject. Is it possible this man of art and cunning, would have thus exposed his duplicity to me, if he had doubted my honour, or suspected I was attached to the Spaniards? The idea is irrational and absurd; for in such case, a hint from me would have exposed and destroyed him. In proof of Mr. Clark's continued and unlimited confidence in me, from a number of other letters, I beg leave to read one from

* See Appendix, No. XVII.

him, of the 27th September, 1806.*—But let me premise, a brief extract from another letter, which Mr. Clark addressed to me, October 2d, 1806,† after he had been elected a member of Congress, and when he could have had no interest to fawn, flatter or deceive, which will evince the extent of this man's confidence, in my devotion to my country, beyond the power of his most zealous advocates to explain away; for it occurred at the very period, I was marching against the Spaniards on the Sabine. He says, "*were the preparations and means in your power, equal to the object, I should have no doubt, you would bring matters to an honourable issue, for yourself and your country;*" and in the conclusion of the letter, he adds, "*I sincerely wish you success, and that the means of insuring it depended on yourself alone.*" This, surely, is the language of entire confidence, without a ray of suspicion; no impression could, at that time, rest on Mr. Clark's mind, that I was capable of treachery to my country, or of favouring the Spaniards at her expense: How then, this sudden change of opinion? I refer you, gentlemen, to the letter of Mr. Clark to me of the 27th February, 1807, and to the depositions, of the Honourable Lewis Alston, of John Graham esq., of Lieutenant Murray and others, for a solution;—but I ask your patience, while I read the letter before referred to.

"*New Orleans, 27th September,* 1806.

"Dear Sir,

"I have been favoured with your letter from the Heights,‡ and had you previously informed me, when you might have been expected there, I should have been on the spot at the time of your arrival. Removed as you now are, to a distance of 150 leagues§ from Orleans, it will be morally impossible for me, to undertake a journey to see you, as the near approach of winter, renders

* See Appendix, No. XVIII.

† See Third Report Committee of Congress, Mr. Bacon chairman, page 478.

‡ Fort Adams on the Mississippi.

§ To Natchitoches on Red river.

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my departure for the Atlantic states indispensable, within a fortnight; and I shall not be here, till some time after Congress breaks up. Neither *myself, nor my other friends, will ever doubt, that you will act with the Spaniards, with as much prudence as your orders permit;* and if hostilities should be the consequence, your superiors must be responsible to the nation, and not you, for such conduct. The only thing I fear is, that you should not have force enough, to defend the country in case of an attack, as Folch has at least 1200 to 1500 regulars in Pensacola; and if you strike on the side of Natchitoches, you ought to be prepared for a retaliation on his part, against this quarter. *On the militia of the lower country, you must place no reliance;* they never have been organized, they are unarmed, and I know there are in the *stores, but 2500 stands of spare arms,** a great part of which, I presume, it would be necessary to keep for the troops, to supply them in case of accident; besides, you know that the planters and merchants will not easily leave their homes, to the utter ruin of their affairs, when there is no force to compel them.

"I know I am entering upon a thorny path, and shall expect a great deal of trouble. I would thank you for your advice to direct me, and if you could give me a line, to some of your friends in Congress, disposed to favour or serve Louisiana, you would, perhaps, afterwards find your own account in it. You may direct to me, to the care of Mr. Daniel W. Coxe at Philadelphia, until the session commences.

"I have received the rejected grants of lands, and would be obliged to you to give me, what information you are possessed of, respecting the proceedings of the board of commissioners; what the people of the upper country expect; and what it would be proper to attempt for them with any hopes of success.

* By what means? and for what purpose? did Mr. Clark procure a knowledge of our magazine of arms? and why withhold them from the yeomanry of the country? Was it for the accommodation of the co-conspirators expected in the autumn? *Verbum sat.*

You will oblige me by giving me, from time to time, advices of what is passing on the frontier, and point out in what way you think I may be of service to you.

"I remain with esteem,

"Dear Sir,

"Your most obedient servant,

(Signed) "DANIEL CLARK.

"*Brigadier-general Wilkinson,*

"*Head Quarters, Natchitoches.*"

Mr. Clark's imperial prospects had been destroyed; I had been the author of his disappointment, and, agreeably to the declaration of Mr. Ogden to Lieutenant Murray, "HE HAD MARKED ME AS HIS VICTIM." On the preceding letters of Mr. Clark, written in September and October, 1806 (when it is known that I was marching, at the moment, under the orders of my government, against a superior Spanish force), I could safely rest my exculpation against his calumnies.

In the list of names, which Mr. Clark pretends to have seen, in my hand writing, of persons who were Spanish pensioners, he does not say what names were included: —Here we have another testimony, of the convenience of Mr. Clark's memory; because, although the mention of names, would have added strength to his assertion, yet it would have exposed his falsehoods to detection. But, gentlemen, how inconsistent is the act here imputed to me, with the caution ascribed to me, in the pretended instructions produced by Power; which he says were written by Nolan, to conceal my hand writing from exposure? Would the most negligent person, engaged in such a criminal enterprise, have been so regardless of his safety, as to commit his own hand writing, on so important a concern, as a list of pensioners? Or can it be believed, on the other hand, that if I had been so indiscreet, that Mr. Clark, a young man, and a stranger in the country, could have insinuated himself so fully into the confidence, of the most jealous government on earth, as to have obtained access to papers, which every motive of policy

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and of interest, should have shrouded under the impenetrable veil of secrecy?

Mr. Clark swears, he had no personal knowledge of my receipt of money, on account of my pension, until the years 1793 and 94; and it seems that my adversaries have laid the precise scene, of my supposed corruption, between the years 1790 and 97.—In this arrangement, on which no doubt much stress has been laid, they have been unfortunate; for it is within the knowledge of a member of this honourable court, that I joined the army at Fort Washington, December, 1791; and it is a truth, which no one will be hardy enough to deny, that I have not, from that day to the present hour, visited Kentucky. It is equally true, that I have from that period, with a few involuntary intermissions, been actively engaged in the public service; and from my resumption of the sword, until the peace of Greenville, the testimonials from the War Department, under the administration of General Washington,* which have been read in evidence, and more particularly the testimony of my brethren in arms,† will evince, that I ran a course of hardships and hazards, sufferings and perils, which greatly exceeded the obligations of duty and honour.—According then to Mr. Clark, I must have been in the constant receipt of a pension for doing nothing; but what is the natural conclusion? Surely, that, if I had received money for corrupt purposes, I would have endeavoured to disseminate the poison, among my fellow-citizens: has any instance of this kind been hinted at? No! Has any person been named, whom I have attempted to seduce from his allegiance? No! Has any one been mentioned, or can any one be found, to whom I have offered money, for any political purpose whatever? I answer, No! not one. Truly then, I must have been a most *useful agent* to the Spaniards, and a most *dangerous traitor* to my own country!

Mr. Clark, with unblushing effrontery, pleads his obligations as a Spanish subject, for not having exposed to

* See Appendix, No. XIX.

† See Appendix, No. XX.—Burr's Trial, First Series, page 303.

the American government, at an earlier period, the turpitude he now ascribes to me;—evidently, with the triple view, to mask his treachery to the government of his choice, to excuse his delinquency to that which had purchased him, and to stamp his vindictive pursuit, with the character of patriotism; here, indeed, his memory has failed him, or he has calculated on my forgetfulness, of his political course. As a man of honour and a faithful subject, he was certainly bound to conceal the sinister intrigues, of the government to which he owed allegiance, and looked for protection. But did he do so, as he would now fain make us believe? *Let his memoir, transmitted to the secretary of state, in* 1798,—*let his secret information, communicated to Mr. Ellicott in the year* 1797,—*his transmittal of certain letters to the secretary of state, imputed to the Baron of Carondelet, in the year* 1803,—*and his verbal communications to the President of the United States declare.* I take not account of whole scores of his letters, in my possession, written while a *Spanish subject* at New Orleans, and bearing date from the year 1798 to 1803 inclusive, in which, to recommend himself to my confidence, *he continually betrays his own government, and as constantly breathes the strongest expressions of attachment, to that of the United States.*

Daniel Clark has declared, on his oath, that "*in the month of October* 1798, *he visited me by particular request, at my camp at Loftus Heights, where I had shortly before arrived,*" and that I there held conversations with him, on the subject of my pension. The fruitful genius of Mr. Clark, like the magician's wand, converts me into every shape to suit his purposes. I am cunning or unwary, cautious or indiscreet, as the tenor of his tale requires. Is it to be credited, that the commander of an army, should have invited a foreigner to his camp, for the express purpose of betraying to him, his criminality against his own government? common sense revolts at the idea, and reason rejects the proposition.

I took my position at Loftus Heights, on the 5th October 1798; the uncle of Mr. Clark resided at the plantation

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Daniel Clark's statement, that he dined with General Wilkinson, at the General's request, in the latter end of October, refuted.

of Clarksville, two miles from my camp; and my accuser dwelt in New Orleans, reputed to be two hundred and fifty miles distant. A letter from Colonel Clark the uncle, proves, incontestibly, that his nephew Daniel, my accuser, did not dine with me by "my particular invitation," but at his own instance, as will be made manifest, by the following quotation from that letter, which has been read in evidence to this court.

"*Clarksville, October 22d*, 1798.

"*Mr. Clark, my namesake, arrived here last night; he wishes to have the pleasure to see you, as soon as he is a little recovered from his fatigue. If you will permit him and I to wait on you to-morrow, and take soup with you, we shall be honoured.*"

My letter of October 23d, which is produced as evidence of my invitation to him, is obviously in reply, to Colonel Clark's letter above quoted, and was intended to postpone their visit, to the 24th of the month; in consequence, I suppose, of some engagement of business, which occupied me on the 23d; Mr. Clark's assertion on oath, that he visited me, "AT MY PARTICULAR REQUEST," is thus falsified; and my letter produced by him, as an original invitation, is shewn to be a decorous postponement, of the proposed visit, of the self-invited Clarks. It is of itself, a most trivial and unimportant circumstance in this enquiry, whether Mr. Clark was invited by me, or whether he came on his own invitation; whether he spent some days, or only an hour with me; he was the nephew and protegé, of an honourable man, whom I highly respected; of himself I knew but little, and I had no suspicion of the depravity and baseness of his heart. But I have dwelt, upon the circumstance of the invitation, to expose Mr. Clark's entire disregard of truth, and to shew with what facility, he could misrepresent any conversation, which might have taken place between us. He represents the interview, as particularly sought for on my part, as if intended to give me an opportunity, of removing the

unfavourable impressions he had imbibed, and to satisfy his mind, of the integrity of my intentions for the future; when, in fact, it originated with himself, and my society was solicited and courted by him, although he now swears, he knew I had been guilty, of what was always odious to him. As a further proof, of Mr. Clark's utter contempt of truth, when speaking under the solemnity of an oath, I have offered the testimony* of Doctor Carmichael, Doctor Elmer, the late Colonel Scott, and also of Colonel Kingsbury, in evidence before the court, to prove, that Mr. Clark did not spend with me, the time he mentions in October; and these witnesses would, I am sure, be believed by all men of honour, who know them, if they declared on their *words* only. The letter too, of Colonel Clark, of the 25th of October, the very day after they dined with me, dated two o'clock, and stating that "DAN HAD GONE IN QUEST OF THE STAR-GAZERS,"† places it beyond question, that Mr. Clark's statement, relative to his continuance in my tent in *October*, is utterly false. The conclusive nature of these proofs, have driven Mr. Clark to the necessity, *of admitting the falsehood of his statement on oath*, and of changing the period of my confessions, from October to November; and he has now forwarded letters to shew, he spent some time with me in the early part of November. It will not be forgotten, that in his book, published more than a year after he made his affidavit, HE STILL INSISTED, that his visit of several days was in October, although he had the proofs in his possession, to shew, THAT IF THIS VISITATION TOOK PLACE AT ALL, IT WAS IN NOVEMBER; I mention these facts to prove, how pertinaciously Mr. Clark insisted on a KNOWN FALSEHOOD, and how reluctantly he is driven to ACKNOWLEDGE THE TRUTH, as if he preferred the former to the latter, even in a case, where either was a matter of indifference, as to the points at

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* See Appendix, No. XXI.—Third Report Committee of Congress, Mr. Bacon chairman, page 168 to 172.

† Meaning the commissioners who were running the line of demarcation.

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issue; for, surely, I can feel no concern, as to the time or duration of any visit, I may have received from Clark; his spending two or three days with me, would only prove, that I treated him with hospitality, and this I have never denied; but he swears, he spent three days and nights with me in October, and the falsehood has been exposed. From the letters now produced, it seems probable, he visited my camp in November 1798, and spent some days in it; yet if he did, I have not the most faint recollection of the circumstance, nor can this appear extraordinary; because a visit from Daniel Clark to me, could not be considered, a matter of such high distinction, or such grave importance, as to be remembered for nine years. And when Mr. Clark swore, that this visit had been made in October, and by my invitation, I confess I felt the conviction, which I now feel, that he had sworn falsely; and, in forming this conclusion, I was governed by facts, within my own knowledge. It will be remembered, that these letters were never offered in evidence, until the moment before I began the delivery of my defence, on Saturday; and we can be at no loss, to perceive the reason, why they were so tardily and reluctantly produced. It is a desperate effort of Mr. Clark, to convert a voluntary falsehood, in which he had been detected, into the appearance of a mistake; he had suffered his affidavit, delivered to the House of Representatives, on the 11th of January 1808, to rest on its own merits, although conscious of its falsehood, until the 6th November 1811; but in making this effort, Mr. Clark has furnished the strongest testimony of my integrity, and of the baseness of the rest of his deposition; for the letters he has now produced must prove, past doubt, that the confessions he pretends I made to him, are a gross and groundless fabrication. Long before the production of these letters, I had offered in evidence the letter, from the elder Clark to me, dated 3d November 1798,* heretofore quoted.

* See Appendix, No. VIII.

One of the letters now produced, on the part of the prosecution, to prove Mr. Clark's visit to me in November, is from my accuser to his uncle, to which it appears I affixed a postscript; it bears the same date of the letter last referred to, and is an answer to it; in this letter, the younger Clark, alluding most obviously to the proposition and wishes, contained in his uncle's letter to me, for taking New Orleans, professes himself most willing to co-operate, although he has since declared on oath, that he was at that period subject to the Spanish laws. He says, "*I will not fail on every occasion to aid and abet the sentiments in your letter of this morning;*" that is, in taking New Orleans;—and the strong terms of my postscript, shews how heartily my wishes concurred, with those of the elder Mr. Clark, and evinces the perfect concert of the uncle, the nephew and myself, in our opinions and views on that subject; my words are, "I WOULD TO HEAVEN I COULD PROCURE, AN ORDER FOR THE OPERATION YOU WISH, WHICH I AS ANXIOUSLY DESIRE AS YOU CAN. I WOULD HAZARD MY FAME AND FORTUNES, WITHOUT MUCH HESITATION, TO PRECIPITATE AN EVENT WHICH IS TO HAPPEN."

The language, to my tried and honourable friend, is the strongest contradiction I would ask, to the calumny of the younger Clark. It cannot be believed, that, while I was thus anxiously wishing an order, which would have brought me into immediate collision with the Spaniards, and placed me in a situation to insure their most decided hostility, I should, to the nephew and protegé of the same man, have been confessing my guilt, and asking his aid, to procure the arrearages of my corruption; this too under the eye of a man, (in a postscript of a letter written by him) to whom I had just disclosed my guilt, and made known my entire dependence, on the Spanish government of New Orleans, for mercy and concealment; if I had been their pensioner, must I not have shuddered at the thought, of hostilities with them, which would have compelled me to take, an open and decided part, and whe-

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ther, in favour of my own government, or against the Spaniards, the consequences would have been fatal to my honour? and what must we think of Mr. Clark, if he thus witnessed the duplicity and treachery of my conduct, to his aged and respectable relative, and yet continued to court my society and seek my friendship? Mr. Clark has felt the awkward predicament, in which the production of this letter would place him, and this accounts for the extreme unwillingness, with which he produced it.

For the purpose of giving some colouring of probability, to the strange story of my confessions to him, Mr. Clark has deposed, "*that I had heard of remarks made by him on the subject of my pension,*" which rendered me very uneasy, and I was desirous of making some arrangements with him on the subject; to this statement Mr. Clark has positively sworn, without any reserve or qualification; he knew that so long ago, as the spring of the year 1808, in my defence before the court of enquiry, I charged the whole of the deposition, as far as it went to criminate me, to be a tissue of wilful and corrupt perjuries. If my charge, against Mr. Clark's veracity, was not well-founded, it must have been completely in his power, to support, by other testimony, the assertions made in that part of his deposition just quoted. *To whom had Mr. Clark made remarks on the subject of my pension, before the year 1798? From whom had I heard of those remarks? and who told Mr. Clark I had heard of them?* If these circumstances had a *real* existence, they must, from their very nature, be susceptible of *proof*, by other testimony than Mr. Clark's oath. *Why has he not, before some of the Committees of Congress, or before this court, produced this testimony?* His omission to produce it, must be considered as conclusive evidence, that it does not exist; and if it does *not* now exist, and Clark is unable to account for the non-production of it, then he has consequently sworn falsely:—Because the very incidents deposed to by him, imply *the agency of a third person, who might be produced or named as a witness, if Mr. Clark's statement was true.* Mr. Clark appears to have felt, that the story he was in-

venting, of my humble acknowledgments to him, was, in itself, too absurd and ridiculous to gain belief, unless he could strengthen it by some circumstances, that might possibly have led, to so singular a conversation, between the commander in chief, of the American army, and a young adventurer, almost a stranger, whom I had not seen, from the time of my first visit to New Orleans in 1787, and who, so far from having made, any unfriendly remarks about my conduct, had, in his memoir to the secretary of state, dated a few months before the period of this visit, spoken of me in the most flattering terms. It is a story, which would more properly find its place, amidst tales of romance, than in a grave collection of testimony, intended to support criminal charges, against an officer of rank, in a court of justice.

In his affidavit, Mr. Clark swears that "two gentlemen, by the names of Collins and Owen, friends and agents of General Wilkinson, came to New Orleans in the year 1794." Owen was murdered, and Mr. Clark may say of him, as he has done of Nolan, and Gayoso, and Carondelet, what he pleases, without hazard of contradiction; but Collins happened to be alive, and his deposition, before the court, gives a flat contradiction to Mr. Clark's statement in two instances, viz. Mr. Clark swears the money received, by him amounted to $11,000, and Collins swears the sum to have been $6333;* and in corroboration of the deposition of Collins, I refer to the letter of Philip Nolan, Jan. 6th, 1796, inclosing the account of Gilbert Leonard, before exhibited to the court, and the letter† of Gilbert Leonard, now produced to the court.

Mr. Clark goes on to swear, "*At the period spoken of, and for some time afterwards, I was resident in the Spanish territory, subject to the Spanish laws, and without an expectation of becoming a citizen of the United States; my obligations were to conceal, and not to communicate to the government of the United States, the projects and enterprizes,*

* See Appendix, No. XXII.—Third Report of the Committees of Congress, Mr. Bacon chairman, page 53.

† See Appendix, No. XXIII.—Third Report of the Committee of Congress, Mr. Bacon chairman, page 59.

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which I have mentioned, of General Wilkinson and the Spanish government."

The vulgar adage, which requires "a good memory" for its basis, would apply here with great force. Mark the inconsistency of this very conscientious gentleman; for however subservient he may now attempt to make his oath, to his perfidy and falsehood, he did, in the year 1797, as has been shewn, "*betray the government to which he owed allegiance, to the secretary of state, Mr. Pickering; and, about the same time, to Andrew Ellicott, then commissioner of limits;* and, on the 8th of March, 1803, he addressed the secretary of state (Mr. Madison) in the following terms, having previously delivered to Mr. Jefferson, a confidential letter of the 17th June, 1796, from Governor Gayoso to his deceased uncle,* which he had found among the papers of the dead, and passed off for one to himself.†

D. Clark's letter to secretary Madison.

"*As a proof that expectations of assistance from ourselves against our own government, have been always relied on by the Spaniards, and that they have constantly looked to a division of our western states from our general government, I now forward you an order to receive from Washington Morton esq., of New York, a sealed packet, which I left in his possession when I set out for Europe, and which I then mentioned I would shew you at my return; not thinking, at that time, that circumstances would occur so soon, as to render the disclosure, a measure of immediate necessity. Among other papers of less importance in this packet,* IS A SMALL PART OF THE CORRESPONDENCE OF THE BARON DE CARONDELET WITH THE OFFICER COMMANDING FORT ST. FERDINAND, AT THE CHICKASAW BLUFFS, *in which he suffers his plans and views to be clearly perceived, and which were solely aimed at our destruction; the remainder are, as well as I recollect, copies of talks and letters to and from the Chickasaw Indians; and, by the Baron de Carondelet's letter to the officer, you will perceive, that the fact, I*

* See Clark's proofs, page 143.

† See Appendix, No. XXIV.—President's Message to the House of Representatives, January 20, 1808.

advised you of, respecting the annual pension of five hundred dollars to Ugulayeabe, cannot be disputed. Should you think these documents of sufficient importance, to require my presence in Washington, to elucidate any part of them, I shall immediately sacrifice all private business of my own, and hasten there; and, in the mean time, will endeavour to collect from undoubted sources, such other information, relative to these subjects,* AS MAY BE ACCEPTABLE.

"Although, for four or five years past, I had a perfect conviction, that the intrigues of the Spaniards with the western country were not, for the time, dangerous, on account of the incapacity of the governors of this province, and their want of pecuniary means; yet, fearful of what might happen in future, should more enlightened and ambitious chiefs preside over it, I could not last year, resist the temptation of hinting my suspicions, of what had been FORMERLY *done in this way, to the President, at an interview with which he honoured me; and I even went so far, as to assert, that a person, supposed to be an agent from the state of Kentucky, had been here in the end of* 1795, *and the beginning of* 1796, *to negotiate on the part of that state, independently, for the navigation of the Mississippi, before the result of the treaty of Saint Lorenzo was known; wishing that this hint might induce the President, to cause enquiry to be made into the circumstance, which he could easily find the means of investigating; but, as he made no other enquiry of me respecting it, than merely in what year the thing happened, it then struck me, that he must have had other information on the subject; and that he thought it needless to hear any thing more about it. By great accident, I have lately learned something, which induces me to suppose, that any information he may have received, respecting the measure alluded to, has been incorrect, and given with the view of misleading him; and I request, you will mention the subject, anew to him, that you may know how far I am right in my suspicions. The information I possessed on the subject, could not, from the way in which it was obtained, be accompanied with what would be proof to convict*

* The wolf's friend, a Chickasaw chief.

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the person concerned, or I should have openly accused him in the face of the world; but to me, it amounts to a moral certainty of his guilt; and my conduct to him shewed, on all occasions, how much I detested his object and his person. The same want of proof positive, sufficient to convict him, prevents me, at present, from naming him; but, if enquiry is diligently made about the influential character from Kentucky, who at that period was so long in Natchez, and afterwards here, what his business was, and what was the idea entertained of him, enough will, doubtless, be discovered, to put our government on its guard against him and others of his stamp, and against all foreign machinations, in that quarter, in future."

These palpable falsehoods, in which Mr. Clark is thus detected, were introduced, no doubt, to fit the public mind for the reception of the poisonous conversation, which he had prepared for me; but, after this detection, they will serve only as a criterion, by which to estimate the sequel. He has been proved guilty of perjury, in all his statements, relative to myself, where there was a possibility of producing testimony.

From Mr. Clark's statement, it also appears, that I introduced the conversation, and that it was my object to persuade him, to negotiate the settlement of the balance, then due to me, for Governor Gayoso's plantation: he says, that the affair of the pension, had always been odious to him! Is it not reasonable, that I should have sounded a stranger on the subject, before I made a proposal to him, and, that discovering the proposition to be odious to him, and that he declined having any agency in the business; is it probable, nay possible, that any man in his senses, much less a chief in command of an army, should have so directly answered the question,* and confessed himself a traitor?—The idea is too extravagant, and too absurd for a second thought; nor is it presumable, that Mr. Clark, considering our relative situations, would have had the impudence to have made such an enquiry.

* See Clark's statement to Congress, Jan. 11th, 1808.

As I have observed, on a former occasion, it is an easy matter to charge a man with being a pensioner, and Mr. Clark has felt no difficulty, in making the allegation against me, but without a shadow of circumstance to support his charge, and I will venture to affirm, without a possibility of supporting it.

It now becomes necessary for me, to bring Mr. Clark into conflict with himself; to contrast the vindicator of 1807, with the persecutor of 1808; the friend of the former period, with the enemy of the latter; and from his own words and works, to produce his condemnation. It will be observed, that to get rid of a palpable contradiction, Mr. Clark denies positively in 1808, what he, in 1807, asserted without reserve.

In the deposition* of General Smith, which is before

* Extract of a letter from General Samuel Smith to General Wilkinson, produced by the former, and read in evidence before the Court of Enquiry at Washington, Tuesday, March 29, 1808.

"*Washington, March 1st*, 1807.

On or about the 20th February past, being in the senate chamber, Mr. Daniel Clark took me aside, and said, "I understand that Mr. Lattimore (of the Mississippi Territory) has read a letter from Colonel Claiborne, stating that Colonel Burr had said, that General Wilkinson did receive a sum of money, I think $10,000, from the Spanish government, for secret services; that he, Clark, knew perfectly, from undeniable proof, that no money had been given that gentleman; for that our mayor (meaning the mayor of New Orleans), had mentioned the same tale to him (Clark), on his arrival at New Orleans, and asked him if it was true; that he (Clark) answered, that he did not believe it, but could inform himself correctly on the subject; that he waited on the Intendant, who, on being asked the question, did declare on his honour that it was false, for General Wilkinson had never received one dollar from the Spanish government: but for your better satisfaction, I will submit to your inspection, the book in which all payments for secret service are inserted: he did so, and I (said Clark) did examine the same carefully and critically, and can assure you on my honour, that there was no charge therein of payment made to General Wilkinson, or for his use, either directly or indirectly; and further, that our house did his commercial business at Orleans, and that if any such transaction had taken place, it must in some way have come to his knowledge; that he had thought it due to General Wilkinson to communicate this circumstance, and added, I authorise you to make use of my name, in case you think proper on this subject, and for that purpose have mentioned it."

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the court, you will find Mr. Clark had exculpated me, from all suspicions of having received money from the Spaniards, for corrupt purposes; but, that, after the lapse of nearly a whole year, he comes forward with Mr. Harper's explanations, to do away the General's impressions; and insists, that he has been misunderstood, and, that, he only alluded to the rumour, of my having received money in the year 1804.—Now, as General Smith could have no motive to bias his acceptation, of Mr. Clark's voluntary and unsolicited declaration; and, as it appears by Oliver Pollock,* that the General did, at his instance, reduce it to writing on the same day, the probability would be on his side; it is therefore presumable, that Mr. Harper, or Mr. Clark, has been mistaken; for, if Clark had used the same language to General Smith, which Mr. Harper declares he did to him, it must have produced an unfavourable effect on the General's mind, and excited doubts of my former integrity:—But, whatever may have been the understanding, between Mr. Harper and Mr. Clark, it forms no argument against

* Extract from the deposition of Oliver Pollock, 8th June, 1808.

"*Question* 21. (By General Wilkinson before the Court of Enquiry)—Had you any particular reason for desiring General Smith to commit to writing, what Clark had said to him, respecting General Wilkinson? and if so, be pleased to state it.

"*Answer.*—My principal reason was, that as Mr. Clark had to return to New Orleans, and some accident might happen to him, this information might at some day or other be of service to the United States, or to General Wilkinson.

"*Question* 2. (By General Wilkinson to Oliver Pollock, before the Committee of Congress.)—Had you any other motive except that which you have assigned, for advising General Smith to commit Clark's communication to him, respecting General Wilkinson, to writing?

"*Answer.*—Yes, I had. Notwithstanding no accident might happen as to Daniel Clark's personal safety, yet some might happen to *affect his memory*, as well as that of General Smith's. This struck me at the moment General Smith mentioned that 'Clark and I agreed so well;' and considering it a matter of such importance to the United States, I thought that it was best for General Smith to commit it to writing."—See Oliver Pollock's examination; Third Report Committee of Con- Mr. Bacon chairman, p. 39.

General Smith's comprehension of the conversation, held with him at different times and places. But a volume of testimony presents itself, to confirm General Smith's understanding of Mr. Clark: his excellency Governor Wright, of Maryland, whose deposition is before the court, declares, that "*in a conversation with Mr. Clark, on the subject of the pension attributed to General Wilkinson, he* (Clark) *without specific allusion to any particular time or sum, but speaking of the charge generally, said,* HE HAD EXAMINED THE SECRET SERVICE MONEY BOOKS, FROM A TO Z, AND THAT WILKINSON'S NAME WAS NOT ON THEM; AND THAT HE BELIEVED HIM PERFECTLY INNOCENT OF THE CHARGE." CHAP. IV.

The testimony of General Smith is, also, confirmed by that of the honourable Willis Alston jun., member of Congress from the state of North Carolina, now before the court; which, moreover, goes to convict Mr. Clark of falsehood, in the assertion, that Mr. Alston had told him, General Smith had acknowledged, General Wilkinson's receipt of ten thousand dollars from the Spaniards, but that it was in payment for tobacco; Mr. Clark, without naming* Mr. Alston, introduces this circumstance into his deposition.—Wretched man! he may thus evade public odium, but such subterfuges will not avail him at the bar of Heaven.

The deposition of Colonel William Lowry, also before the court, goes to the same point: he sets forth, that "Mr. Clark acquitted me of being a Spanish pensioner; said, he had particularly examined, in order to satisfy himself, and found no cause to impeach my integrity; he, also, *explicitly* declared my connexion with the Spaniards, to have been commercial, and detailed certain incidents, connected with my first enterprise, highly to my credit;" and to the same effect is, also, the deposition of James

* In his deposition Mr. Clark imputes this information to "a member of the house," but, in a subsequent explanation with General Smith, he names "Mr. Alston." See his Book, p. 115.

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Testimony of the honourable Walter Jones referred to.

Lowry Donaldson esq.* which is in possession of the court.

To this point, gentlemen, before I dismiss it, I beg leave to adduce the testimony of the honourable Walter Jones, of Congress, which is most conclusive, in favour of General Smith's acceptation, of Mr. Clark's conversation: "*On one occasion,*" says Doctor Jones, "*I enquired of Mr. Clark, concerning the charge against General Wilkinson, of being a Spanish pensioner, as exhibited, particularly, in a Kentucky newspaper called the Western World; Mr. Clark informed me, that being intimate with the officer at New Orleans, who had the disbursement of the public money, he applied to him to know, whether General Wilkinson was in the receipt of a pension from his government; that the officer unlocked a drawer, and desired Mr. Clark to satisfy himself, by examining the book; that he, Clark, did examine the book, and did not find General Wilkinson's name in it. Any further particulars of this conversation, if any occurred, are lost to my recollection; it was sufficient for me, to receive the impression of a strong proof, that the charge against General Wilkinson, of being a Spanish pensioner, was groundless.*" The tenor of this gentleman's life and manners, are such as would place his word, above the oaths of all my accusers; whilst his extreme caution and delicacy, in regard to Mr. Clark, when delivering his testimony before the court, marked his sensibilities to character, and evinced a broad impartiality. It was evident, that his candour flows in an even and undisturbed current. Mr. Clark can never have the hardihood to deny, or attempt to explain away a statement so fair; nor will his warmest apologist, venture to deny so unequivocal a fact. The preceding proofs

* This patriot citizen, whose splendid talents, promised great usefulness to the state, and high distinction to his name, fell in the prime of life, in the combat with the British forces, on the 12th Sept. 1815, in their approach to the city of Baltimore, when acting as adjutant to the 27th regiment of Maryland militia. Peace to his manes! honour to his memory!

are corroborated by the deposition of Samuel P. Moore,* which also explains one of the motives, of Nolan's exploration of the Spanish provinces, which certainly does not indicate hostility to the United States.

I submit to you, gentlemen, to decide, whether so many persons, conversing with Mr. Clark at different times, and in different places, on the Atlantic and on the Mississippi, could have misunderstood him? It appears impossible! Governor Wright, General Smith, Doctor Jones, Colonel Lowry and Mr. Donaldson, all confirm the fact, that, in the year 1807, Mr. Clark declared to them, he had examined the Spanish books of secret service money expended, from the first to the last; that he did not find my name thereon; nor any entry, nor statement, to justify the belief, that a pension had ever been given me. I beg to be indulged, in one further remark on this point; I feel it to be a conclusive one, and therefore, gentlemen, I claim your particular attention to it. If, I have ever been a pensioner, Mr. Clark certainly must have known it, at the very time he took so much pains, to vindicate me against the report of Colonel Claiborne; under such knowledge, and occupying a seat in Congress, was it not his solemn duty to come forward and accuse me? Surely it was! But instead of discharging the trust reposed in him, he vindicated my character, concealed my perfidy, and made himself a party to my guilt; therefore, in whatever light my conduct may be viewed, Mr. Clark has unequivocally forfeited all pretensions to patriotism, honour, and veracity.

It is true, Mr. Clark has been so far consistent, as to begin and end in falsehood; for he swears, that he was, during the time referred to, the agent of the house, who were my consignees at New Orleans, and had an interest in my shipments; and yet by reference to the deposition of Oliver Pollock,† and the letters of Philip Nolan,‡ it will appear that this declaration is void of truth. I shall

* See Appendix, No. III.

† See Appendix, No. I.

‡ See Appendix, No. II.

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not detain you much longer, gentlemen, with this disgusting exposition of a wretch, whose cunning, treachery, and falsehood, have compelled me to occupy, already, too much of your time; in order, however, to put the stamp of dishonour upon him, and to seal his infamy for ever, I will beg to call your attention to the depositions of James Mather esq.,* mayor of New Orleans, and of S. P. Moore esq., H. P. Nugent† and Thierry,‡ of the same city; and also to the depositions of George Mather§ esq., and Colonel Wm. Wikoff,‖ of the Orleans Territory, all of which have been read in testimony before this court, and conjointly attest, the habitual mendacity, the political versatility, and the shameless corruption of my accuser. Coupled with the profligate Langlois, it will be difficult, after reading the evidence of Thierry and Nugent, to distinguish the comparative infamy of the corruptor and the corrupted;—between Daniel Clark, who gave the bribe, or F. Langlois, who received the price of his oath; and the depositions of Thierry and Nugent are the only answers, I can condescend to give, to the perjury of Langlois, which has been relied on in support of the prosecution.

* See Appendix, No. XXV.
† See Appendix, No. XXVI.
‡ See Appendix, No. XXVII.
§ See page 103.
‖ See page 104.

CHAPTER V.

Deposition of Oliver Pollock referred to.—Andrew Ellicott's affirmation examined.—Evidence of General Washington's confidence.—Letter of General Wilkinson to General Knox, secretary of war, January 31, 1796.—President Adams's letter of February, 1798; and his deposition, with a letter of the late Major-general Hamilton, thereto attached and duly certified, dated 7th Sept. 1799.—Ellicott's secret communications to the secretary of state, 1797 & 1798.—Ellicott's letter to D. Clark, January 14th, 1808.—Remarks on D. W. Coxe.—Ellicott's affirmation, 22d May, 1808, critically examined.—Daniel Clark's motives and conduct, exposed.—Extraordinary letter from Ellicott to General Wilkinson, dated June 5, 1797, contrasted with his testimony.—Ellicott's letter to the secretary of state, Colonel Pickering, of the 14th November, 1797, examined.—His journal, report, and affirmation, contrasted.—His letter of the 16th December, 1798, to General Wilkinson, exhibited.—Ellicott's letter to General Wilkinson, Sept. 4th, 1798.—His hostility accounted for.—D. W. Coxe's deposition, scrutinized.—His verification of eighty-two documents, presented by him to the committee of Congress, examined.

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Oliver Pollock's deposition referred to.

I NOW call your attention, gentlemen, to the deposition* of Oliver Pollock, which, from its candour and comprehensive tenor, greatly interests the subject, and does honour to the witness; his testimony corroborates Mr. Clark's memoir, of the 18th of April, 1798, to Mr. Pickering, then secretary of state, relative to my commercial engagement with the Governor of Louisiana; it ascertains, as has been seen, the motives of the Spanish government, for opening the trade of the Mississippi upon my remonstrance; it establishes the fact, of my removal of Mr. Clark's uncle from my agency in 1789; it proves

* See Appendix, No. I.

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the extent of my commercial operations, and the nature of my connexion with Governor Miro; it shews that a quantity of my tobacco was condemned, and was lodged in the king's* stores, in the year 1790; and thus confirms the report of Power to Captain Bowyer, in 1798, and corroborates the statement of Nolan,† made in 1796; it testifies, that Mr. Clark senior, so far from being a man of wealth, as the nephew's vanity has induced him to swear, was embarrassed, and in debt, both to Governor Miro, and John Barclay esq.; of Philadelphia. It is notorious, to every ancient inhabitant of Louisiana, that Mr. Pollock's connexion with the Spanish officers, at New Orleans, was the most intimate, and his influence boundless, from the administration of Governor O'Reilly, to that of Governor Miro; from the year 1769 to 1790; and, yet, being interrogated by the Judge Advocate, "*Do you think from your footing with the Spanish Governor of Louisiana, or any of its confidential officers, that if any citizen of the United States, had been bribed to enter into any combination or connexion, adverse to the interests. or contrary to the law and constitution of the union, you would have been, confidentially informed of it, by any officer of the Spanish government?*" The witness replied, "*I think, from the confidential intimacy I had with the Governor and all the Spanish officers, that I should have known it, and being an agent of the United States, I should have thought it my duty, to have communicated it to the government.*" Yet, wonderful to tell, MR. CLARK, A STRANGER, AN ADVENTURER AND A BOY, WITHOUT CHARACTER OR CONDITION, *at once acquires a maturity of confidence, which the age, the experience, the fortune, influence, and public character of Mr. Pollock could not accomplish, in more than twenty years friendly intercourse*:—I ask, is this thing credible? and every rational man must answer in the negative.

Andrew Ellicott's deposition examined.

From this witness I will lead you, gentlemen, to one of a very different aspect; it is Mr. Andrew Ellicott, the celebrated astronomer, who must, certainly, poor man,

* See (note) page 71. † See (note) page 119.

have been under the influence of the moon, when he inlisted in the service of Messrs. Coxe and Clark.

Mr. Ellicott* affirms, he was constituted a spy on my actions by General Washington, for the express purpose of detecting me, in corrupt practices, such as are now alleged against me; but, when you, gentlemen, examine the various testimonials† of honour, which I have received from that illustrious chief, through the medium of the secretary of war, General Knox; when you reflect on his continuance of me in the chief command of the army, at the very period to which Mr. Ellicott refers; when you scrutinize my emphatic appeal to him, made in the year 1795, for an enquiry into my conduct, *military, and political;* when you consider, how repulsive this great man's mind was, to low intrigues and base espionage, and how incapable it was of the reception of such slanders; when you perceive from Mr. Ellicott's own acknowledgments, that the, then, secretary of state (Colonel Pickering) actually forbade the further intrusion, of his ridiculous, and scandalous hearsays, on the executive; and when you discover that this witness, in his fondness for the marvellous, his propensity to defamation, and his sympathy for Mr. Clark, has perjured himself, over and over again; the paltry imputation attempted to be affixed by him, to the exalted character of General Washington, will not be attended to for a moment, especially, when it can find no other support, than the affirmation of Andrew Ellicott. I proceed to read my appeal to General Washington,‡ dated January 31, 1796; the authenticity of which, I could have proved by Colonel Cushing,§ if he had been allowed to attend as a witness, agreeably to my anxious intreaty.

Evidence of General Washington's confidence

But admitting this improbable assertion of Mr. Ellicott, that he was employed as a spy, to be correct, what

* See Appendix, No. XXVIII.—First Report Committee of Congress, Mr. Butler chairman, page 47.—Third Report Committee of Congress, Mr. Bacon chairman, page 19.

† See Appendix, No. XIX. ‡ See Appendix, No. XXIX.

§ Colonel Cushing's certificate has been since obtained.

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was the result of the ungracious commission? A few vagrant impressions, the effect of secret slanders, malicious interpretations, and idle rumours, formed the sum of Mr. Ellicott's gleanings; and it appears, that after having seen all that Mr. Ellicott and other informers had to offer, neither General Washington, nor President Adams, nor General Hamilton, nor President Jefferson, deemed their calumnies worthy of attention. In proof of this, I shall now call the particular attention of the court to the following testimonials, which I have inserted in this defence, viz. two letters, from the late Major-general Knox, when discharging the functions of minister of war to President Washington, a letter from President Adams, in 1798, and his answer to certain interrogatories, proposed to him by your consent, gentlemen, with a letter annexed thereto and duly certified, from the late Major-general Hamilton, bearing date Sept. 7th, 1799; which documents clearly demonstrate, the unshaken confidence of those illustrious characters, in my zeal, my capacity, and my patriotism, during the period of twenty years public service, from 1791 to 1811; and it will not escape your attention, gentlemen, that whilst the pretended "SPY, THE PERJURED PROFLIGATE ELLICOTT," in concert with his associates Clark and Power, was labouring, by secret information, to assassinate my humble, hard earned reputation; the great and good Washington, the saviour of his country, was exerting his influence to forward my military promotion; and in addition to these documents, permit me to add the message of President Jefferson,* to the House of Representatives, Jan. 20th, 1807, together with two letters from that illustrious sage and patriot.

"*War Department, Sept.* 29, 1791.

"Sir,

"I have the honour to acknowledge, the receipt of the copy of your report of the 29th ultimo, to Major-general

* See Appendix, No. XXX.

St. Clair, which I have submitted to the President of the United States. CHAP. V.

"I have, by this post, instructed Major-general St. Clair, to thank you, if he had not already performed that pleasing duty, in the name of the President of the United States, for the zeal, perseverance, and good conduct, manifested by you, in the command of the expedition, and for the humanity observed towards the prisoners, whom you captured; and also to thank the officers and privates of the volunteers, for their activity and bravery while under your command, and to express his hope, that you and they may enjoy, in future, entire peace, as a reward for your services.

"Mr. Belli was waiting to receive the muster rolls of your corps; he has settled the accounts, and returns with the money for the amount.

"I have the honour to be, Sir,
"With great respect,
"Your most obedient servant,
"H. KNOX,
"*Secretary of War.*

"*Brigadier-general James Wilkinson.*"

"*Philadelphia, May* 17, 1793.

"My dear Sir,

"As the commanding General has descended the river to Fort Washington, it is unnecessary for me to reply particularly to your several letters, otherwise than to thank you *heartily*, for the *various, extensive*, and *important information* you have communicated, from time to time; all of which was duly communicated to the President of the United States.

"I am persuaded that your good sense as well as inclination, will lead you to unite, cordially, with General Wayne, and to promote a spirit of harmony throughout the several corps.

"Brigadier-general Posey, who will deliver you this letter, is a gentleman from whom, I flatter myself, the

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service will derive solid benefits. I suppose he will arrive time enough to descend with Mrs. Wilkinson, with whom you will be at the time of receiving this letter, and to whom please respectfully to present my homage.

"I have often expressed to her and Colonel Biddle, the pleasure your conduct gave the President of the United States. I am impressed with the conviction that you will persevere in the same paths.

"My God! what an uproar in Europe. If the French nation shall be united, and consolidate their force within their own limits, they will be invincible, although they must suffer immensely in the process. But a doubt rests upon their union. If they are divided almost equally, they will be conquered. What a scene the European theatre would be for your military talents. Governor Lee talks of going to France, but I imagine the present untoward state of things will deter him.

"I am, my dear Sir,

"Sincerely and respectfully,

"Yours,

"H. KNOX.

"*Brigadier-general Wilkinson.*"

"*Philadelphia, Feb.* 4, 1798.

"Dear Sir,

"I received your favour of the December, by the Miami chief, the Little Turtle, and have received and observed him with attention. He is certainly a remarkable man. He is recovered of the small pox, and what is worse, a severe fit of the gout. We shall endeavour to make him happy here, and contented after his return. I thank you for introducing him to me, and for the information you have given me concerning him.

"I have also received your letter of the 20th December. It is very true that I have been tortured for a great part of the year past, with written anonymous insinuations against several persons in conspicuous public stations, that they had formed improper connexions with

Spain; and among others, against yourself. It has been frequently asserted, that you held a commission and received pay, as a Colonel in the Spanish service. This opinion appears to have taken such root upon the Mississippi, among the people in general, that scarcely any man arrives from that neighbourhood, who does not bring the report along with him. They seem to be in such a temper in that region, *that nobody escapes accusation.* I have not suffered these rumours, concerning you, to make impressions upon me; but I have lamented what I perceived must be the consequence of them, among the people of the United States. The same *jealousy and malice* which transmitted them to me, I supposed would propagate them elsewhere without much reserve. CHAP. V.

"I recollect, perfectly well, my injunction to you in person, to employ all the force within your power, both militia and regulars, if necessary, to oppose the English or any other foreign nation, who should presume to attempt a violation of our territory, by any expedition through it, against their enemies.

"It would be a pleasure to me to nominate your son to a commission as you request; but in the first place, there is no vacancy in the artillery at present, as I am told; and secondly, it was a rule established by my predecessor, that the Ensigns should have attained the age of twenty-one, and I should be severely censured, for departing from a military precaution of so high authority.

"I recollect my consenting that you should make an excursion, if in your judgment, the service would admit of it, to the copper country. I thank you for the sample you have sent me, which I design to have analysed.

"For yourself, sir, I will say, I *esteem your talents;* I *respect your services,* and *feel an attachment to your person,* as I do to every man, *whose name and character,* I have *so long known in the service of our country,* whose behaviour has been consistent.

"We may be nearer than we suspect to another trial of spirits: I doubt not, yours will be found faithful. What measures you may think fit to take to silence the VILLA-

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NOUS RUMOURS and CLAMOURS of your connexions with Spain and France, I know not; but no violent ones or military ones will do any good. I shall give *no countenance to any imputations*, unless accusations should come, and then you will have room to justify yourself. But I assure you, *I do not expect that any charge will be seriously made.*

"I am, Sir,

"Your most obed't. and humble servant,

(Signed) "JOHN ADAMS.

"*General Wilkinson.*"

Answers of John Adams, FORMERLY PRESIDENT OF THE UNITED STATES, to interrogatories transmitted to him in a letter of General Wilkinson, of the 2d October, 1811.

"*Answer 1st.*—I have copied, with my own hand, from the original letter, in General Hamilton's hand writing, now before me, the whole of that letter. The copy attested by me is inclosed with this, and is marked No. 3.

"*Answer 2d.*—While I had the honour to be VICE PRESIDENT, and afterwards, *I heard many severe things said in public and private concerning General Wilkinson, which gave me much concern; because such rumours, suspicions and insinuations, concerning an officer of his rank, services and situation, had a tendency to injure the public service in the army, and bring dishonour on the government that employed him.* I, THEREFORE, DISCOURAGED NO MEANS THAT WERE EMPLOYED TO INVESTIGATE THE TRUTH: BUT AS NO EVIDENCE WAS EVER PRODUCED TO ME, WHICH COULD JUSTIFY ANY PRESUMPTION, OR, AS I THOUGHT, REASONABLE SUSPICION OF HIS GUILT, OF ANY ILLICIT OR CORRUPT CONNEXION WITH THE SPANISH GOVERNMENT OF LOUISIANA, EITHER DURING THE ADMINISTRATION OF GENERAL WASHINGTON, OR THAT OF HIS SUCCESSOR, I CONSIDERED THOSE RUMOURS AS CALUMNIES, AND CONTINUED GENERAL WILKINSON IN SERVICE AS LONG AS IT DEPENDED ON ME.

"I cannot venture to descend to particulars, merely on memory; and no written documents are, at present within my reach." CHAP. V.

"*New York, Sept. 7th*, 1799.

"Sir,

"General Wilkinson, who has been some weeks in this city, in consequence of an invitation having for object the re-adjustment of our western military affairs, is about to make a journey to *Braintree*, to pay his respects to you. On such an occasion, I hope it will not be thought improper, that I should address you on the subject of this officer; since what I shall say, will accord with what I KNOW TO BE THE VIEWS OF GENERAL WASHINGTON, and with what, I have reason to believe, has been already suggested to you, with his support, by the secretary of war. You are apprised, sir, that General Wilkinson SERVED WITH DISTINCTION IN OUR REVOLUTIONARY WAR, and acquired in it the rank of Brigadier-general;—that, for many years since that war, he has been in the military service of the government, with the same rank, in which rank he for some time had the chief command of the army. That HE HAS SERVED WITH DISTINCTION IN THIS LATTER PERIOD, GENERAL WAYNE, WHO WAS NOT HIS FRIEND, HAS IN ONE INSTANCE WITHIN MY KNOWLEDGE, VERY AMPLY TESTIFIED.

"The decided impression on my mind, as the result of all I have heard or known of this officer, is, that HE IS EMINENTLY QUALIFIED AS TO TALENTS, IS BRAVE, ENTERPRISING, ACTIVE AND DILIGENT, WARMLY ANIMATED BY THE GENUINE SPIRIT OF HIS PROFESSION, and devoted to it. The recent communications between us have satisfied me, more than ever, THAT HE IS WELL ENTITLED TO THE CHARACTER I HAVE JUST GIVEN HIM. So circumstanced and so qualified, all military usage and analogy give the General a very strong claim to promotion. His sensibility would suffer with reason, if he has it not, and it would require more than usual patriotism and magnanimity, to preserve him from discon-

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tent and disgust. I, as well as others, have heard hard things said of the General, but I have never seen the shadow of proof; and I have been myself too much the victim of obloquy, to listen to detraction, unsupported by facts.

"Permit me to add, that I hold nothing so unwise, in public affairs, as HALF CONFIDENCE;—that, in my opinion, to employ a man in DELICATE AND IMPORTANT STATIONS, and to act towards him so as to convince him THAT HE IS NOT TRUSTED, and is not to receive the common share of public reward, is the most effectual way that can be adopted TO MAKE HIM UNFAITHFUL:—While, if we only allow him a well informed ambition, his fidelity may be assured, by letting him see that it will best advance the interest of his ambition.

"In hazarding these remarks, I do not mean to present to you observations, which could possibly escape your own reflections, but merely to indicate the manner of viewing the subject, which determines my judgment, that it is both right and expedient to promote General Wilkinson, to the rank of Major-general in the present army. Should the matter appear to you in the same light, I submit, whether it will not be proper, previously, to understand with General Wilkinson, that it may happen, in the event that General Knox may be called into the army, with a priority to him. For this, there are many reasons, which will occur to you without being mentioned, and I may, without impropriety, add, that it will meet the ideas of General Washington.

"In the course of his conversations with me, General Wilkinson has stated, that important advantages might result, from the appointment of leading characters at the Natchez, and elsewhere on the western waters, as officers in the eventual army; calling them immediately into service, with a title to the emoluments of their grades. I have not had time to reflect so maturely on the proposition, as to have formed a definitive opinion of its expediency; but it strikes me in a very agreeable manner, and accordingly, I offer it to your consideration. The

arguments in its favour will not require to be specified, in order to be appreciated by you. It is obviously a powerful mean, of conciliating the inhabitants in the quarter to which it applies, and of rendering them auxiliary, in case of need, to our military operations. It is presumed, they may be provisionally embodied under leaders who may be selected. I will make no apology for the liberty I take by this letter. The solitariness of the example will, I trust, evince that it is not my wish, to travel out of the regular and ordinary road of communication.

"With high respect and true esteem,
"I have the honour to be, Sir,
"Your obedient servant,
(Signed) "ALEX: HAMILTON."

"*Quincy, October* 12, 1811.—The foregoing is a true copy of an original letter, from General Hamilton to me, in his hand writing, now before me, dated Sept. 7, 1799, this day transcribed and certified by me,
(Signed) "JOHN ADAMS."

I could confidently appeal to the affirmations of Mr. Ellicott, for my exculpation, because he has HEARSAY only to offer to my dishonour; whilst, on the other hand, he proclaims "A KNOWLEDGE OF MY HONOUR, MY ZEAL AND MY PATRIOTISM;" but I cannot dismiss him with so little ceremony. His singular attention to my interests, for some time past, gives him a title to more formal notice; and, therefore, I must pray of you, gentlemen, to accompany me, in a full examination of his evidence.

Ellicott's secret communications to the secretary of state, 1797 and 1798.

To render justice to myself, as well as to the astronomer, Ellicott, I am obliged to trespass extensively on your time; I regret it, but it is unavoidable. The secret communications* of this witness to the secretary of state in 1797 and 1798, made fourteen years since, were,

* See Appendix, No. XXXI.

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for the first time, communicated to me, on the 20th of April last; they claim strict attention, and while you examine them, I make no doubt, the justice and magnanimity of President Adams, will excite your admiration, and the candour and discernment of the secretary of state, Colonel Pickering, will receive your applause; for prohibiting the officious intrusions, of Mr. Ellicott's scandalous hearsays, on the executive attention. These letters of Mr. Ellicott to the secretary of state, are dated at Natchez, June 5th, and Nov. 14th, 1797, and at Darling's creek, Nov. 8th, 1798; and the last covered a fabrication, pretended by Ellicott, to be the copy of a letter from Governor Gayoso to Thomas Power, bearing date October 23d, 1798. These documents have been all referred to, by Mr. Ellicott, in his deposition read before the court of enquiry, instituted upon my application, by order of the President, in the year 1808, and great stress has been laid on them, by Mr. D. W. Coxe, the author of Mr. Clark's scandalous publication.

It would have been well for the honour of humanity, if (agreeably to Mr. Ellicott's original intention) these papers had been consigned to perpetual oblivion; because their exhibition was not necessary, to stamp the proper value upon the characters of their authors; and they now unfold a plan of matchless perfidy, projected (as I, with astonishment, perceive) so long ago as the 8th of November, 1798.

Thus it appears, that the plot, which had for its object the ruin of my reputation, was formed at Natchez in June, 1797; and that the fictitious letter transmitted from Darling's creek, under the most solemn injunctions of secrecy, was intended to enforce the original slander, or to be stored up for any future exigency; and the conspiracy, of Burr and Clark, produced a suitable occasion for its application. But it is as difficult to give consistency to a chain of fictions, as it is to deform the fair face of truth: in the instance before us, however cunning the conception or wicked the design, my enemies have failed in that happy combination of fact, circumstance, and mo-

tive, which acquires strength from scrutiny. They have exposed themselves to detection, and stand self convicted of perjury and forgery. Well might Mr. Ellicott express his regret to Mr. Clark, that he had kept no copy of this pretended letter of Gayoso to Power, and of his communications to the office of state;* for if he had, these docu-

Ellicott's letter to Daniel Clark, Jan. 14th, 1808.

* Letter from Andrew Ellicott to Daniel Clark.

"*Lancaster, January 14th*, 1808.

"Dear Sir,

"The letter mentioned in my Journal, in the 183d page, from Governor Gayoso to a confidential Spanish officer, is, I presume, in the hands of Mr. Thomas Power: a copy of the interesting part will be found in the office of the secretary of state. This letter places the improper conduct of General Wilkinson, and some others of our citizens, in a point of view not to be mistaken. If corruption be criminal, this letter establishes the criminality. Whenever I think of our army, and the state of the country, the following lines from Anacharsis never fail presenting themselves to my mind.

"*Les peuples de la Grece sont affoiblis et corrumpus. Plus de lois, plus de citoyens, nulle idee de la gloire, nul attachement au bien public. Partout, les vils mercenaires pour soldats, et des brigands pour Generaux.*"*

"To my knowledge, the present administration has been minutely informed of the conduct of General Wilkinson; and why he has been supported and patronised, after this information, is to me an inexplicable paradox.

"All the information that I was able to obtain on the subject of those intrigues, was faithfully detailed both to the former and the present administration; and beyond those documents (which are deposited in the office of the secretary of state), I have no knowledge of those transactions. *I now begin to wish I had kept copies of those papers, but I have none.*

"I am, with great esteem,

"Your sincere friend and humble servant.

(Signed) "ANDREW ELLICOTT.

"*Hon. Daniel Clark esq.*"

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*. This passage from Anacharsis may be thus interpreted: "The people of the United States have become weak and corrupt, without laws and without citizens; they have no idea of glory, no attachment to the public weal; they have every where vile mercenaries for soldiers, and brigands for generals."

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ments would never have been exhibited to the world, to dishonour himself and render more infamous his perfidious associates. This interested witness had forgotten the minutiæ of his treacherous informations, but the object and essence were fresh upon his memory; and, instead of exhibiting that dispassionate temper, which becomes a man about to be put upon his oath, he, in the true spirit of persecution, exultingly exclaims to his friend Mr. Clark, (when referring to this forgery of a letter from Gayoso to Power) "If corruption be criminal, this letter establishes the criminality;" and, to embellish his free gift to the cause of calumny, the consummate imposter, (with "peace and good will among men" upon his tongue, but the most rancorous malice in his heart), to display his erudition, gratify his vanity, and damn me, as he hoped, beyond the possibility of redemption, proceeds, in the same letter to his compeer, to stigmatise the whole army, and proscribe the whole American nation.

Was there ever such an unqualified, unprovoked, impudent, unmerited and atrocious calumny, levelled at a whole nation? and for what purpose? Merely to add weight to my persecutions! What American soldier can read this passage without indignation? what citizen, without detestation and abhorrence? What must be the author of this vile denunciation of a whole people?—An abominable wretch! beneath their contempt! signalised for his destitution of candour and veracity; marked by cowardice and insincerity; and, under a puritanical exterior, concealing a mind demoralised beyond all sense of shame,* and a heart steeled against every emotion of justice and humanity; and it is to Mr. Daniel W. Coxe, and other persons whose names cannot bear the light, that the citizens of the United States are indebted for this opprobrious stigma: for it has been seen, that Daniel W. Coxe, on oath, before a committee of Congress, acknowledged himself and other persons to be the authors of the book, published in the name of Daniel Clark, in

A word of D. W. Coxe.

* See Appendix, No. XXXII.

which they bring forward this impudent libel. Shameless indeed must be the wretch, and unworthy the name of an American, who, content to bear testimony to his own degradation, calumniates the country of his birth, and stigmatises its most distinguished citizens, to satiate the vengeance of baffled treason, upon the author of its discomfiture. As to Mr. Coxe, whatever may be his simpering, smiling exterior, his long association with the greatest villain of the world (Daniel Clark), the strong sympathies which their intercourse has begotten, and the lawless commerce in which they have been engaged, for twenty years, has seared his conscience, and silenced every "compunctious feeling" of nature.

Before I enter, Mr. President, upon the analysis of these discoveries of the informer, Mr. Ellicott, let me enquire how long it is, since they have been made? to whom they were communicated, and what has been the result? In pursuing this enquiry, we find that the last information was given, more than twelve years since; that it was addressed to Colonel Pickering, secretary of state, during the presidency of Mr. Adams; and that the imposture was so evident, as to excite the disgust of the executive, and produce a letter from Colonel Pickering to the informer, prohibiting the intrusion of such hearsays and fictions, on the executive attention. We have Mr. Ellicott's oath for this (if worthy of credit, when speaking against himself), as may be seen in his answer, to the thirtieth interrogatory of his deposition, submitted to this court.* The knowledge of this fact alone, in any case but that of persecution, would have prevented a recurrence to these dormant legends, which, as if by the justice of heaven, are now brought to light, through the errors of my enemies—not to injure me, but to confound them.

Colonel Pickering, secretary of state, forbids the intrusion, of Ellicott's scandalous tale, respecting General Wilkinson.

I thought proper to premise these facts and reflections, for the information of my judges, before I entered upon the examination of the documents in question, to which I shall now proceed.

* See Appendix, No. XXVIII.

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The first of these important secrets, will be found in the following letter.

MR. ELLICOTT TO THE SECRETARY OF STATE.

"*Natchez, June 5th*, 1797.

"Sir,

"I have this moment received private information, that Mr. Power, who I have mentioned to you in my communication of yesterday, is, by order of the Baron de Carondelet, to proceed immediately through the wilderness to the state of Kentucky. There is every reason to believe, that his business is to forward the views of Spain, by detaching the citizens of Kentucky from the union. It has been hinted to me, that Mr. Power will in the first instance pay a visit to General Wilkinson, who, we are informed, is now in Cincinnati.

"I am sir, &c. &c.

"ANDREW ELLICOTT.

"*The Secretary of State.*"

This letter, it is true, conveys no distinct charge against me; but it directs the back-handed assassin-like blow at me, by which a bad cause is best sustained, and innocence may be stabbed with impunity. After stating, distinctly, Power's traitorous views, on the citizens of Kentucky, this informer proceeds to observe, "*it has been* HINTED *to me, that Mr. Power was, in the first instance, to pay a visit to General Wilkinson, who, we are informed, is now at Cincinnati.*" I must do credit to Mr. Ellicott for the art displayed in this brief paragraph: Our informer, no doubt, intended it to read thus: Mr. Power is going to Kentucky, to corrupt the citizens of that state, from their allegiance to the United States, but is first to call on General Wilkinson, to receive his aid and advice on the momentous subject.—But Mr. Ellicott, in his affirmation of May 22d, 1808, declares, "THAT THIS INFORMATION WAS ANONYMOUS; BUT HE THINKS IT WAS FURNISHED BY DANIEL CLARK; THAT POWER

Exposition of Ellicott's affirmation 22d May, 1808.

WAS NOT APPRISED, THAT HE (ELLICOTT) KNEW OF HIS (POWER'S) MISSION TO KENTUCKY, OR THAT HE WAS TO SEE GENERAL WILKINSON; AND THAT HE HAD SAID POWER WOULD LEAVE NOTHING UNDONE TO HIS (GENERAL WILKINSON'S) INJURY, WHICH ART, DUPLICITY AND INTRIGUE COULD EFFECT; THAT HE DID NOT UNDERSTAND THE INTERVIEW, POWER WAS ORDERED TO SEEK WITH GENERAL WILKINSON, WAS FOR ANY SINISTER PURPOSE, OR RELATIVE TO THE TREATY OF FRIENDSHIP, LIMITS AND NAVIGATION." It may be worthy of remark, *en passant*, that Power swears, he was sent to visit me at Detroit, by way of concealing his traitorous designs in Kentucky. Here I might dismiss the subject of enquiry, because the most implacable of my enemies, would scarcely undertake to deduce proofs from inuendoes; and I stand acquitted, on the oath of a member of the triumvirate, who so long since conspired against my honour; for Mr. Ellicott not only declares, that he did not understand Power's visit to me, "WAS FOR ANY SINISTER PURPOSE," but that Power was my enemy, and disposed to do me "EVERY INJURY, ART, INTRIGUE AND DUPLICITY COULD EFFECT." It is impossible I could have held, with such a man, confidential intercourses, the disclosure of which would have ruined me.

But, Mr. President and gentlemen of the court, it is necessary to trace this INFORMATION, to its source and its objects. Mr. Ellicott, on the 22d of May, 1808, SWEARS IT WAS ANONYMOUS; but well knowing the author as he did, he admits, that "*he* SUSPECTS *it was forwarded to him by* DANIEL CLARK;" yet, in his letter to the secretary of state, of November 8, 1798, he, explicitly, avows "MR. CLARK TO BE THE AUTHOR."—Thus then it appears, that Daniel Clark commenced his machinations against me, as early as June, 1797, at the very era of his political conversion, when he determined, that it would be wise and just, to transfer his allegiance, from the Spanish government which cherished him, to that of the United States, where he contemplated a wider

Daniel Clark's conduct and motives exposed.

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range, for his enterprise, ambition and intrigue. Treachery cankers the heart, and fits it for the darkest deeds: in whatever garb it may appear, it is not less the offspring of corruption, and the ally of perfidy. Can any one be surprised, then, that Clark, who violated his allegiance to Spain, should (after his disappointment from the government of the United States, where he contemplated the consummation of his ambitious designs) league himself with Colonel Burr, in his conspiracy against these states? Nothing can be more natural; and it is only surprising (considering his character), that the circumstance should have ever been, for one moment, doubted. But, why he should have connected me with the Spanish conspiracy, may require explanation; and here the restless impatience, the turbulent, invidious spirit, and mischievous propensities of the man, may furnish a solution; for with those dispositions, the destruction of an individual, when necessary to advance his ambition, or promote his interest, is a matter of light consideration to Daniel Clark. Having determined to turn informer against the government of his choice, it could not escape his discernment, that the consideration he sought to acquire with the United States, would be in proportion to the services he might render; and this would depend, upon the magnitude of the discoveries he should make. It very naturally occurred to him, that nothing could more sensibly enhance the importance of his information, than to connect the military commander, on the western waters, with his patron, the Baron de Carondelet, in the conspiracy meditated against the union; but it was necessary he should proceed, with caution and circumspection, to feel the pulse of the administration, and by the gradual excitement of their jealousies against me, to prepare their minds for the favourable reception, of the boldest calumnies.

Thus, we perceive, Mr. Clark commences in June, 1797, with a mere inuendo; but in November, of the same year, he comes out with an important disclosure, which he endeavours to authenticate, in November, 1798, by the forged

letter to Power, imputed by Ellicott to the late Governor Gayoso: that Clark was the author of this dark scene of villany, appears manifest from Mr. Ellicott's affirmation submitted to this court, and his official letter to the secretary of state, of Nov. 8th, 1798. Was Mr. Clark worthy of credit, he has shewn in his affidavit, that he was in possession of the knowledge of my connexion with Spain, as early as the year 1794; yet in June, 1797, we find him commencing his calumnies, by anonymous insinuations only, conveyed to the government through Andrew Ellicott; but, if in possession of the whole facts, as he has sworn he was, and zealously disposed to recommend himself to the United States, which I cannot doubt, why did not Mr. Clark make the full disclosure at that time, which he made afterwards to Mr. Ellicott, in the month of November following? The plan he adopted for his communications, could not expose him to the Spanish government, and the moment was critical to the United States, as I then held the command of the troops on the western waters, and, my enemies say, the intrigues of the Baron de Carondelet were then in operation:—Why did Mr. Clark wait, until these intrigues were abandoned, before he made his last important discovery? He was waiting events, and had not matured his treacherous plans. We shall see, in the sequel, how Mr. Clark's memorable affidavit in 1808, before referred to, corresponds with his plottings with Power and Ellicott in 1797-8. In the mean time, permit me, Mr. President, to devote a moment's attention to Mr. Ellicott himself.

The motive of Mr. Power's visit to me at Detroit, in 1797, will hereafter be explained to the court, by original documents, which are irrefutable; but when Mr. Ellicott was put on his oath, and interrogated respecting this visit, he swears, "THAT POWER WAS NOT APPRISED, THAT HE (ELLICOTT) KNEW OF HIS (POWER'S) MISSION TO KENTUCKY, OR THAT HE WAS TO SEE GENERAL WILKINSON;" and yet *I did receive from him, by the hand of Power, on this very visit, the letter,* of which I now pre-

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sent a literal copy to the court, *the original* having been *acknowledged by Mr. Ellicott*, before the committee of Congress, of which Mr. Bacon was chairman, *and is recorded in the Third Report, page 23*, in the following words.

Ellicott's extraordinary letter to General Wilkinson, dated June 5th, 1797.

"*Natchez, June 5th*, 1797.

"Dear Sir,

"This will be handed to you by Mr. Power, who can give a particular account of the delays and impediments, devised by the officers of the government of Louisiana, to prevent the late treaty between his Catholic Majesty and the United States, going into effect.

"Can you find in the American army an officer of sobriety, talents and industry, to command at this important post? I know you are well aware that the character of our army, will greatly depend upon the good conduct of the commandants of posts. Be pleased to present my best respects to Mrs. Wilkinson, and believe me to be, with esteem,

"Your friend and humble servant,

"ANDREW ELLICOTT.

"*General James Wilkinson.*"

Is this the language which a faithful public agent, would apply to one, whom he suspected to be a traitor? No! it is the language of confidence; and, so far from appearing to be jealous of Power, he refers me to him for information, against his (Power's) own government; nor is it credible, that he should have forgotten this communication; but having written one thing to the executive, and another to myself, he determined to trust to the destruction of his letter to me, and denied the facts; and what renders the conduct of Ellicott still more infamous, this letter to me, by Power, was written, *the very same day his communication to the secretary of state was penned*, on which I have been remarking, and in which he tells the secretary, he had received "PRIVATE INFORMATION" OF POWER'S INTENDED EXPEDI-

TION TO KENTUCKY, AND THAT IT WAS "HINTED" TO HIM, HE WOULD, IN THE FIRST INSTANCE, VISIT ME." Here, then, we have one palpable and incontrovertible breach of veracity, *on oath*, deliberately made, for the purpose of corroborating the suspicions, he had in concert with Clark and Power, endeavoured to excite against my honour. It were well for Mr. Ellicott, if this was the only perjury of his commission; but, to his shame and dishonour, he compels me to expose several others. Connect this perfidious conduct of Ellicott, with the testimony of Power, before this court, and we are justified in the suspicion of a connivance between them, even at that time; for Power swears, again and again, to the precautions he took, to elude the emissaries of Ellicott, on his route to Tennessee and Kentucky; yet it is evident he had, in his pocket, at the very moment, this very letter of introduction, from Ellicott to me, of the 5th June, in which I am referred to him (Power) for information: How dark and profound have been the machinations of my enemies! CHAP. V.

The second secret communication, Mr. President, made by our informer, to the secretary of state, Colonel Pickering, bears date Natchez, Nov. 14th, 1797, five months after the first, and was also furnished him by Daniel Clark. If the communication of June, was marked with caution, in *that* of November, Mr. Clark seems to have inclined to the other extreme. The silence of the secretary of state to the first, might have suggested to him, the policy of trying the effect, of some stronger stimulant; but, Mr. Clark, in the fervour of his imagination, oversteps the limits of probability, and mingles with his poisons their antidote; yet he tells you, in his affidavit, he derived his information from the thorough-going Power.

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Mr. Ellicott to the Secretary of State.

[*Secret.*] "*Natchez, Nov.* 14, 1797.

"Sir,

Ellicott's letter of Nov. 14th, 1797, to the secretary of state, Colonel Pickering.

"Shortly after the ratification of the late treaty, between the United States and his Catholic Majesty, was carried to Kentucky, Mr. Murray, an attorney at law in that state, proceeded down the river, to visit Governor Gayoso and the Baron de Carondelet. A few days after Mr. Murray's interview with those gentlemen, Mr. Power was despatched up the river, apparently upon a trading voyage. He has secreted in a cask of sugar four despatches in cypher; one was directed to General Wilkinson, another to John Brown, senator of the United States, the third to Judge Sebastian, and the fourth to Mr. Lackasang, at the Rapids of the Ohio. These four men, and Mr. Murray, receive annual stipends from the crown of Spain, and several others, whose names I have not learnt, receive occasional payments. Mr. Power delivered the despatches above mentioned himself. He met General Wilkinson at Cincinnati, in September last was a year: they affected for some days to be upon bad terms, but were privately closeted at night.

"This correspondence in cypher, has been carried on for several years; it is ingeniously managed; the letters are deciphered by the help of a pocket dictionary.

"The first object of these plotters is, to detach the states of Kentucky and Tennessee, from the union, and place them under the protection of Spain. If that could have been effected this season, the treaty would never have been carried into effect: and to ascertain the probability of such an event, Mr. Power was sent, in the beginning of last June, into the states before mentioned.

"The design of detaching the western country from the union, is but a small part of the general plan, which is very extensive, and embraces objects of immense magni-

tude; nevertheless, to ensure success, this point must be first carried; which being effected, and, by the system of promotion adopted by the court of Madrid, Governor Gayoso will be at Quito, and the Baron de Carondelet at Mexico, about the same time. So soon as this arrangement takes place, or sooner, if the necessary officers can be corrupted, a general insurrection will be attempted, and cannot fail of success if the first part succeeds. General Wilkinson is to proceed from Kentucky with a body of troops through the country, by the way of the Illinois into New Mexico, which will be a central position: the route has been already explored. Nine-tenths of the officers of the Louisiana regiment are, at this time, corrupted; and the officers of the Mexican regiment, which is now in this country, are but little better. The apparent zeal of the Spanish officers on the Mississippi, for the dignity of the crown, is only intended to cover their designs, till the great plan, which is the establishment of a new empire, is brought to maturity. Their principles are highly revolutionary. This being understood, the policy of the present Spanish governors in this country, in enticing our citizens to settle under their jurisdiction, may be easily discovered.

"From the manner by which I have obtained the foregoing information (which I am convinced is correct), I am unable to make any other use of it, than to communicate it to our first magistrate and the department of state, that the plan, so far as it affects the United States, may be counteracted. IT MUST REMAIN SECRET.

"I am, &c. &c.

(Signed) "ANDREW ELLICOTT.

"*Secretary of State.*"

It is well understood, wherever Mr. Ellicott is known, that he is a great admirer of the marvellous, and that his explorations of worlds beyond the moon, have infected him with a strong taste for the sublime, if not for the beautiful. It cannot, then, be considered extraordinary,

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if we find him gulping the monstrous fictions of Clark. The more horrible the plot, the more important is the discovery, the more exalted is his discernment, and the stronger his claims upon the government. But can any man of sober sense, carefully examine this letter, and after comparing times, circumstances, means, objects and ends, say that it carries with it a ray of probability, or that it is not destroyed by its own absurdity? Yet, should the fertile genius of my enemies, be exerted to uphold it, by a shadow of consistency, then let me say its fallacies, are detected and exposed by notorious facts, and even by subsequent events.

The first paragraph of this piece, is confined to a visit of a Mr. Murray, attorney at law in Kentucky, to New Orleans, shortly after the ratification of the treaty with Spain; and soon after his arrival there, Mr. Power is sent up the Mississippi in the disguise of a trader, but in fact to bring letters in cypher to myself, John Brown, senator of the United States, Judge Sebastian, and Mr. Lacassagne: it sets forth, that these four men, and others, received stipends from the court of Spain; that Mr. Power delivered these despatches in person; met General Wilkinson at Cincinnati, in September, where they affected to be on bad terms, but were privately closeted at night. Here we have the text, and now for the commentary. If Power had really been engaged on this service, can it be believed, that he, who has sworn, backwards and forwards, to so many falsehoods, would have omitted a truth, so very essential to his purpose? Yet, he does not say one word, of this mysterious trip from New Orleans; and how could he, when he tells us, he was found by Governor Gayoso, at New Madrid, in September, 1795; that his first visit to New Orleans, was in January, 1796, from whence he sailed for Philadelphia, in March, 1796, and did not reach New Orleans again, until January, or February, 1797?* Nor does Power pretend,

* See First Report Committee of Congress, Mr. Butler chairman, p. 79—86, and Power's testimony before the court.

that he visited me, at Cincinnati, in September, 1796, or that he ever affected to be on bad terms with me; fortunately for the cause of truth, Ellicott had kept no copy of his communications, or Power would have been made to have told a different tale. Thus then, the falsehood of this paragraph is made manifest, and the information it contains falls to the ground.

The informer proceeds to state, "*that the objects of the plotters, is to detach the states of Kentucky and Tennessee from the union, and place them under the protection of Spain;*" but this object, when compared with the vastness of the plan contemplated, would appear as a pigmy to a giant; for the astronomer goes on to tell, "*that the court of Madrid, had adopted a system of promotion for the occasion, which would carry Governor Gayoso to Quito, and the Baron de Carondelet to Mexico, at the same time. When the arrangements should take place, or sooner, if the necessary officers could be corrupted, a general insurrection would be attempted, and could not fail of success, if the first part succeeded. To General Wilkinson, the important duty was assigned, to lead a body of troops from Kentucky, by the way of the Illinois, to New Mexico, which was to be the central position: the route had been explored; nine-tenths of the officers of the Louisiana regiment had been corrupted, and the officers of the Mexican regiment, then in Louisiana, were little better; the professed zeal of the Spanish officers for the dignity of the crown, was a mere sham, intended to cover the main design, which was,* TO ESTABLISH A NEW EMPIRE. *Their principles highly revolutionary, which explains the policy of the Spanish governors, in inciting American citizens, to settle under their jurisdiction.*"

And shall I be compelled, to analyse this mass of folly and incongruity, after all I have done for the country? Am I obliged to batter the winds, in defence of my aspersed honour? or, shall I give consistency to folly, for the triumph of the refutation? Difficult and perplexing, indeed, is the task, to give shape or solidity, to such a farrago of incoherent nonsense; and much more so, to combat and expose senseless declamations, with sound

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argument. But I am assailed by an hydra of accusation; the repulsion of one calumny makes way for another; slander follows slander, in endless succession; and I am doomed to meet, alike, the most frivolous, and the most diabolical allegations of my enemies.

It will strike every person, who compares this information of Mr. Clark, to his subsequent accusations, that his plan was immatured at the time; and that, in 1808, he had forgotten the particulars of his reports to Mr. Ellicott, in 1797. We derive this fact, from Mr. Clark's memorable affidavit, submitted to the House of Representatives. To excuse himself, for having so long concealed my turpitude, he declares on oath, "*that in the year 1797, and for some time afterwards, he was resident in the Spanish territories, subject to the Spanish laws, and without the expectation of becoming a citizen of the United States; his obligations were, then, to conceal and not to communicate to the United States, the projects, and enterprises, of General Wilkinson and the Spanish government.*"

This is a faithful extract, from Mr. Clark's affidavit of January 11th, 1808; and, yet, we now discover, from these secret communications of Mr. Ellicott, that Mr. Clark had violated, his acknowledged obligations to the Spanish government, and turned informer, as early as June 1797. Here, then, we have a fair specimen of Mr. Clark's veracity; FALSEHOOD IS HABITUAL, AND PERJURY FAMILIAR TO THIS MAN.

When I examine, Mr. President, this romantic tale of Nov. 14th, 1797, I can scarcely repress the idea, that Clark must have intended to sport, with the astronomer's credulity; for surely the fiction is too barefaced to be misconceived. "*The states of Kentucky and Tennessee, to be placed under the protection of Spain;*" *and for what object?* Why to co-operate in dismembering Spain itself, and erecting a new empire, in South America; and, what is still more wonderful, "*the court of Madrid, itself, is made to adopt, a system of promotion conducive to the same end.*" That is, Spain is made to conspire for her own destruction, and actually to commit political suicide;

a general insurrection was to take place, in North and South America, at the same time, extending all the way, from Kentucky to Quito, over hills, mountains, morasses, wilds, rivers and deserts, the vast extent of five thousand miles; and, to give effect to the plan, I was to lead a body of troops, from Kentucky to New Mexico, by way of the Illinois, through a pathless wilderness, *the short distance of five hundred leagues; "nine-tenths of the officers of the regiments of Louisiana, and Mexico, were already corrupted, and stood ready for the enterprise, with principles highly revolutionary;"* and this stupendous superstructure, was tumbled to the ground, by the failure of Mr. Power's mission to Kentucky, in June 1797, and the establishment of the line of demarcation, at the 31st degree of north latitude.

It is impossible for me, to offer any stronger evidence, of the incredibility of this project, than that which it carries on its face; other subordinate considerations, may however be suggested, to illustrate the falsity of the information; 1st. The silence, of Clark and Power, respecting this gigantic enterprise; these men, like Mr. Ellicott, admire the marvellous, and would not have missed the occasion, to display their taste for the wonderful, if the plan had rested on the shadow of probability;—much less the basis of truth. 2d. The officers of the regiments of Louisiana, and Mexico, have proved faithful to their colours. 3d. No symptoms of revolution appeared within the prescribed limits, before the subversion of the Spanish monarchy. 4th. The Baron of Carondelet, was ordered to the government of Quito, in the winter or spring of 1797, long before Mr. Ellicott made his first discovery to the secretary of state, but did not leave New Orleans, until the autumn following; and Gayoso was at the same time, appointed to succeed him, in the government of Louisiana; but he did not leave the district of Natchez until August. And, 5th. The utter impracticability, of any part of the plan.

From this scene of folly, of falsehood, and treachery, I shall proceed to the last point of discussion;—the inter-

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cepted letter at Darling's Creek, imputed to Gayoso;—than which, no device was ever more shallow,—no design more wicked,—nor any act more infamous.

Of all the testimony, my enemies have invented, to rob me of my humble reputation, this is the most feeble, flimsy, and refutable; I shall prove this notable document to be a forgery, by the strongest circumstantial evidence, and will employ it to discredit my accusers, and give strength to the cause of truth.

"No. I.—Received in Mr. Ellicott's letter to the secretary of state, dated at Darling's Creek, Nov. 8, 1798.

"In a letter of the 23d ult. from Gov. Gayoso to Mr. Thomas Power, in reply to one from Mr. Power, is the following expressions as nearly as I can recollect: the letter being written in the Spanish language, and I could not be permitted to take a copy of it.

The letter imputed to Governor Gayoso, pretended to be intercepted at Darling's Creek.

"I wonder you could not see the design of Gen. Wilkinson's visit to Mr. Ellicott's and Mr. Minor's camp. It was to fall upon some measures to obtain his papers, they are all safe, and never will be made use of against him if he conducts himself with propriety. In fact the originals are at the court, the copies only are with me. Sebastian and Brown* have both been here, they were coldly received; you may inform them that their papers will be kept safe and secret and will not be made use of to their injury unless their conduct in future should require such measure. You will endeavour to obtain the names of all the subscribers to the great plan, they may rest assured that there is no design to injure them, unless their future conduct should merit such a return." So far the letter. Mr. Power in speaking to Mr. Minor about his public account, a few days ago, observed that "if all concerned had done their duty, as well as he had done, the western politics, would at this time, have been very different, and that the want of success which was not his fault

* I did not know that this gentleman was in New Orleans before; the other I heard of. A. E.

should be made an obstacle to his being paid was very hard."

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Ellicott's journal, report, and affirmation, compared.

Mr. Ellicott, in his report, quotes this letter, as the answer of Gayoso, to one Power had written him, respecting the motive of my visit, to the camp of the commissioners of limits; he quotes it from memory, and to use his words, "*as nearly as he can recollect*," says it was "*written in the Spanish language, and that he could not be permitted to take a copy of it.*" But it appears, that Mr. Ellicott gave the contents, of this Spanish letter, in the English language; of course he must have been permitted to translate it, which would require thrice the time, necessary to make a copy of it, even by a person in the habit of translating; but what must be the conclusion, when it is understood, that Mr. Ellicott is a stranger to the Spanish language,* and in giving the contents of the letter, to the secretary of state, he claims no assistance, but his own recollection; of consequence, he must have dreamt or been inspired. I cannot, however, let off the astronomer, on so *plausible* a ground; adverting to this same letter, Mr. Ellicott observes in his journal, page 182-3, when encamped at Darling's Creek, "*While at that place,* BY A VERY EXTRAORDINARY ACCIDENT, *a letter from the Governor-general, on its way to a confidential officer in the Spanish service, fell into my hands, for a few hours.*" In his deposition, herein-before referred to, the same Mr. Ellicott swears, that "*in the beginning of November,* 1798, *a confidential letter of Governor Gayoso, fell into his hands, and in that letter General Wilkinson and several others are mentioned, as having been in the pay and interests of Spain;*" being cross-examined, he answered, "*that Governor Gayoso's letter, was addressed to Thomas Power,* BUT COULD NOT TELL, WHO DELIVERED IT TO HIM; *that the same* WAS INTERCEPTED BY MEANS USED BY HIM, *but he declined being more particu-*

* See Appendix, No. XXXII.

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lar, as to those means, as his answers might tend to criminate himself; and that he presumes the letter, to be in the hands of Thomas Power, or, from the connexion between Clark and Power, the latter may have given it to the former." Being further cross-interrogated, the said Ellicott, on his oath, declared, that "*he was certain, the letter was in Gayoso's hand writing, and that he saw,* NO OTHER LETTER, *about the same time, that Gayoso's fell into his hands, which appeared to be designed* TO INJURE GENERAL WILKINSON." Wretched man! to indulge thy vanity as a political Argus,—to exalt thy character for patriot zeal, and to gratify a vindictive spirit, into what depths of infamy hast thou plunged thyself! On the 16th of December, 1798, Mr. Ellicott addressed a letter to me, in the following words, and acknowledged it before the Committee of Congress,* of which Mr. Bacon was chairman, see page 24.

Ellicott's letter to General Wilkinson, 16th Dec. 1798.

I have shewn, that Mr. Ellicott made solemn oath, "THAT HE SAW BUT ONE LETTER, *about the period the*

* Extract of a letter from Andrew Ellicott to General James Wilkinson, dated Pearl River, Dec. 16, 1798.

"The remainder of this letter is strictly confidential, and dictated by the purest principles of friendship. As a preliminary I wish you to continue your correspondence with Mr. Power as formerly, and on no account give the most distant hint, that you entertain any idea of his want of friendship for you; this is necessary for my own safety. I have seen a letter of Mr. Power's, in his own hand writing, dated the 23d ultimo, in which your name is mentioned in a manner, that astonished me; I dare not commit any part of it to paper, but if I should ever have the pleasure of another interview with you, I will communicate the substance of it under the injunction of secresy. If the design of it, has been to injure you in my opinion, it has failed in its effect, for in the most material point I am confident it is false. Any coolness towards him on your side, or any observation not in his favour, made to any person whatever, might excite suspicions, detrimental to me in our present situation. I shall write to you again from New Orleans. My compliments to the gentlemen of the army.

"I am, Sir,

"With real esteem your sincere friend,

"AND'W. ELLICOTT.

"*General Jas. Wilkinson.*"

forgery imputed to Gayoso, fell into his hands, which WAS CALCULATED TO INJURE ME;" and, if faith could be put in his affirmation, this surely must be that letter; I could not, however, repose confidence in his bare oath, but in this instance, it is supported by circumstances, which may accredit him; it has been seen, according to his journal, "that the letter imputed to Gayoso, fell into his hands, by a very extraordinary accident, when on its way, to a confidential officer in the Spanish service, and was in his possession a few hours;" but in his deposition, presented to this court,* he sets forth, "that he does not know, who delivered the letter to him; yet, the same was intercepted, by means used by himself; that he believes it to be in the hands of Thomas Power, or Daniel Clark, and that in the said letter, General Wilkinson is charged, with having been in the pay, and interests of Spain." The folly, inconsistency, contradictions, and even perjury here exposed, are sufficient to satisfy the unprejudiced, that the letter imputed to Gayoso never had existence. He does not tell the secretary of state how he came by the letter, but says, "*it was in the Spanish language,*" which he did not understand, and yet, he gives the contents from memory, "*as nearly as he can recollect,*" as he "could not be PERMITTED, to take a copy of it;" which is a fair acknowledgment, that he received it under stipulation; but, in his book, he tells us, it FELL INTO HIS HANDS BY ACCIDENT, *on its route to a confidential officer in the Spanish service, and was a few hours in his hands;* yet, he could not be permitted to take a copy of it: and who was this officer? Thomas Power, the companion of Mr. Ellicott, who occupied the same camp with him. Then, when put on his oath, we are told, "IT WAS INTERCEPTED BY THE ADDRESS OF THE ASTRONOMER HIMSELF;" and still, he knows not from whom, he received it, but believes, it is now in the hands of Clark, or Power; and yet it has neither been produced, nor adverted to, by those slanderers, who have prostrated every obligation

* See Appendix, No. XXVIII.

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of truth and honour, and sworn to an hundred falsehoods. In this single circumstance, we have satisfactory evidence, that the letter imputed to Gayoso was a forgery; for no one will suspect Mr. Clark, or his man Power, of withholding testimony injurious to me, and this letter was of too much importance, to the credibility of Ellicott, to be suppressed; yet, in Power's recent, long, and wire-drawn examination, before this court, a dead silence has been observed respecting this letter, which, if it had existence, could have been so readily produced. Still more extraordinary, would the non-production of this letter appear, were it, as Ellicott has sworn, in the possession of Power, or Clark; for when we advert to the tenor of the SUMMONS, WHICH HAS PRODUCED THE ATTENDANCE OF POWER, WHEREIN THE PUBLIC PURSE IS OFFERED, FOR COLLECTING OFFICIAL DOCUMENTS, TO CRIMINATE ME, WE FIND THIS VERY LETTER IS SPECIFICALLY CALLED FOR, IN THE LONG SCHEDULE WHICH ACCOMPANIES THAT SUMMONS. But the astronomer unwilling to do things by halves, swears this letter charged me, with "HAVING BEEN IN THE PAY AND INTERESTS OF SPAIN; yet no such expressions are to be discovered, in the fabrication which he transmitted to the secretary of state, from Darling's Creek; and here we again find Mr. Ellicott, outraging the truth; moreover, the letter imputed to Gayoso, was written in the Spanish language, which Mr. Ellicott did not understand, but the letter which he imputes to Power, might be written in Mr. Ellicott's mother tongue, and the two letters, are dated on the same day, although the month is varied; all these circumstances, favour the belief, that, if, the whole was not a fraudulent trick of Ellicott and Clark, they have attempted to convert a letter written for the purpose by Power, into one from Gayoso to him. The mysterious air and solemn reserve, under which the communication, respecting Power, is made by Mr. Ellicott, in his letter to me from Pearl River, dated 16th December, 1798, also strengthens my construction; as does the ma-

Summons issued by order of Mr. Madison, quoted.

nifest terror and alarm, betrayed by the ASTRONOMER, lest, I should call on Power for an explanation, and thus blow up the whole plot, into which he (Ellicott) had been seduced by Mr. Clark.

But, Mr. President and gentlemen of the court, this letter imputed to Gayoso, carries on its face, inherent evidence of fraud. My visit to Mr. Ellicott, was made at his own earnest request, in a letter of the 4th September, 1798, now submitted to the court, in the following terms:

Ellicott to General Wilkinson, 4th September, 1798.

"By Governor Sarjeant, I have been informed of your expected arrival at Natchez; my friendship, independent of any other object, would be a sufficient inducement to me, to trouble you with a line. I therefore, in the language of a friend, most heartily congratulate you, on your coming into this territory. I hope we shall have the pleasure of your company at our camp, I have many things of importance to communicate, IN CONFIDENCE, *and in which you are not a little interested."*

Let it be remarked, that this letter was a voluntary effusion, on the part of the ASTRONOMER, *long after he had reported me to the secretary of state, on the 5th June,* and *14th November,* 1797, and it certainly is not indicative, of a want of confidence in me.

But how could it happen, that Power should write to Governor Gayoso, to know the design of my visit to Ellicott and Minor's camp? this very Power, who pretends to be possessed of every secret of my breast, and would, of course, have been the very man, in whom, I should have placed my confidence; or how could it have come into Governor Gayoso's head, that I should visit the camp, of the American commissioners, in the wilderness, to fall upon the means to obtain my papers from him, who professed to be my warm friend? To whom at the camp of Ellicott and Minor, could I have applied on the occasion? My acquaintance was limited to Mr. Elli-

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I have not, Mr. President, deemed it necessary to examine, Mr. Ellicott's official letter,* to the secretary of state, of the 8th November, 1798, but will trespass a remark, on the astronomer's report of the alarm, which my arrival at Natchez, had produced on Governor Gayoso, who held in his possession, as Mr. Ellicott would have us believe, pledges for my good conduct, towards the Spanish government. If I had been in the Spanish Governor's power, wherefore this alarm? let Mr. Ellicott answer! But it may be asked, why did Ellicott address me the letter, of the 16th December, from Pearl River, before referred to? I answer; an habitual hypocrisy, a garrulous disposition, a propensity to scandal, and a desire to enhance his own importance, with all persons and all parties. One more observation, and I have done with this subject; whoever compares Mr. Clark's information, of the 14th November, 1797, reported by Mr. Ellicott, in his letter of that date, to the secretary of state, with his (Clark's) letter to me, of the 7th of September, 1805,† will discern a similar train of ideas, directed to the same object, "A NEW EMPIRE IN THE WEST." Is then the supposition chimerical, that the same phantoms were floating in his imagination, when Colonel Burr visited New Orleans in 1805, and that he (Clark) the more readily engaged in Col.

* Extract from the letter of Andrew Ellicott, to Colonel Pickering, secretary of state, dated,

"*Darling's Creek, 8th Novem.* 1798.

"On Friday the 12th of last month, General Wilkinson arrived at our camp, and continued with us till Sunday the 14th. We had much conversation on the state and situation of the country; his ideas respecting both appeared very correct, so far as I was able to determine.

"The arrival of General Wilkinson has created considerable alarm in the Spanish colonies below, and Governor Gayoso has directed that the militia within his government be immediately armed. The fears and jealousies of the Spanish nation will certainly, in the course of a few years, occasion the loss of all the country on this side of the Mississippi, to the crown of Spain."

† See Appendix, No. XXXIII.—Third Report of the Committee of Congress, Mr. Bacon chairman, page 475.

Burr's sinister speculations? The solution, at this time, may be unimportant to all but those, who find satisfaction in tracing effects to their proper causes. CHAP. V.

I come now, gentlemen, to the deposition* of Daniel W. Coxe, the co-partner of Mr. Daniel Clark, for twelve or fifteen years past; I had heard, as in the case of Mr. Ellicott, that this person was the depository of dreadful information, against me, and it was for this reason, I required his deposition,—which, however extraordinary, has not disappointed my expectations. The testimony, of this gentleman, offends only by hearsays, opinions and conjectures; it is more like a vindication of Mr. Clark, and an invective against myself, than testimony, delivered under the solemnity of an oath. In one instance, the deponent's zeal, hurries him into a collision with Mr. Ellicott, apparently, with a view to attaint my character, and reflect on the administration of Mr. Jefferson, at the same time. Mr. Coxe, from his deposition, it seems, *caught Mr. Ellicott at Lancaster, in the very act of disseminating his calumnies, respecting the Spanish conspiracy.* The moment was auspicious, and remunerated Mr. Coxe, doubtless, for his ride from Philadelphia; there he acquired, from Mr. Ellicott, much useful information, which he committed to writing, viz. D. W. Coxe's deposition.

"*January 30th.*—Andrew Ellicott informed me this evening, that in the month of January 1801, as well as I recollect, he communicated personally to Mr. Jefferson, the exact sum of money that had been sent by Don Thomas Portell to General Wilkinson; that this money was not on account of any mercantile transactions, but of the pension allowed the General by the Spanish government; that Wilkinson was not a man to be trusted, and if he continued in employ, would one day or other disgrace and involve the government in his schemes."

* See Appendix, No. XXXIV.—Third Report of the Committee of Congress, Mr. Bacon chairman, page 146.

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It will appear, gentlemen, that either Mr. Ellicott or Mr. Coxe, have been incorrect in this instance; for the former, on his oath, has declared, "*that no person applied to him for information, on the subject before mentioned (Wilkinson's and Clark's controversy), except Mr. Daniel W. Coxe of Philadelphia, who called on him in the month of January last, and told him, the affair between General Wilkinson and Clark, was becoming very serious, and asked him if he was willing to take a trip to Washington; to which the witness answered in the negative. He (Coxe) inquired where Mr. Isaac Wayne, the son of General Wayne, lodged, and was told.* THE INTERVIEW DID NOT LAST FIFTEEN MINUTES." And yet it seems, from Mr. Coxe, he was able to collect much useful information. But notwithstanding, Ellicott was required by the Judge Advocate, to state fully, whatever he knew, respecting General Wilkinson's criminality, he does not lisp a word of his communication to the President, as stated by Mr. Coxe, nor does he suggest that he considered the General "*unworthy to be trusted, and if continued in employ, would disgrace and involve the government in his schemes,*" as Mr. Coxe has declared; on the contrary, Mr. Ellicott solemnly affirmed, on the 22d of May, 1808, almost five months after Mr. Coxe's interview with him, "THAT AS FAR AS HE HAD OBSERVED, THE GENERAL'S CONDUCT WAS THAT OF A GOOD CITIZEN OF THE UNION, A SOLDIER, AND A GENTLEMAN." And in opposition to the statement of Mr. Coxe, Mr. Ellicott wrote General Wilkinson, on the 7th of August,* 1800, a few months before the period fixed by Mr. Coxe, for Ellicott's denunciation of the General to the President, in the following friendly and confidential terms. "I HEARTILY CONGRATULATE YOU ON YOUR SAFE ARRIVAL AT THE SEAT OF GOVERNMENT, AND BEING ONCE MORE AT THE HEAD OF OUR ARMY. *I hope it will not be long, before we have*

Ellicott's letter to General Wilkinson, Aug. 7th, 1800.

* See Third Report Committee of Congress, Mr. Bacon chairman, page 26.

the pleasure of seeing you in this place, (Philadelphia). As yet we have no symptom of the fever, and the city is remarkably healthy for the season. WHEN WE MEET, I SHALL HAVE SEVERAL THINGS TO COMMUNICATE, AND A THOUSAND THINGS TO TALK ABOUT."

Mr. Coxe, as was before mentioned, is the co-partner of Mr. Clark; they have been long connected in trade, between New Orleans and the United States, and other parts; Mr. Coxe making the American side of the firm, in Philadelphia, and Mr. Clark the Spanish side, in New Orleans. The connexion, however injurious to the fair trader, was a convenient one; and it is probable, the gentlemen made the most of it. It is not long, however, since the whole of Mr. Clark's property, in the Mississippi Territory, was mortgaged to Mr. E. Burd, the father-in-law of Coxe, for about $72,000; and it appears from Mr. Clark's letter to Mr. Coxe, of February 6th, 1806, a paragraph* of which *was suppressed in his deposition, that this mortgage was not redeemed at that time.* It is, therefore, not only Mr. Coxe's duty, but his interest, to make an effort to relieve his friend, from the gulf into which he has precipitated himself; and, accordingly, we find his deposition glowing with the ardour of a warm partisan.

Burr's letter to Daniel Clark.

But what, after all, does it amount to? Mr. Coxe tells a long story, about a *letter from Burr to Clark, left with Mr. Charles Biddle, which he (Coxe) supposed related to baggage; that Clark, accompanied by him, called in person for the letter, and on receiving it Clark exclaimed, peevishly too, "Burr and Wilkinson will pester me with their letters, but I have declined corresponding with Burr."* And Mr. Coxe added, *"that no baggage was received by him for*

* "I have written to Dunbar, to cancel the mortgage to Mr. Burd, thinking we cannot now want it; and that, in case of my death, my family may have my private property unincumbered. If you find it necessary to give a security, we have immense estates in common, and dip or sell them as you may find convenient." The preceding paragraph of Clark's letter, was omitted in Coxe's exposition of it.

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Burr from Mr. Clark." I call the particular attention of the court, to this part of Mr. Coxe's ARGUMENT, I cannot call it testimony, because it is impressive. The game which is here played by the partners, to avert the suspicions attached to Clark, for his connexion with Burr, appears to be overdone; for it is obvious, that the introduction of my name, was inapplicable to the occasion, unnatural, and indecorous: but Mr. Clark believed, it might operate by way of diversion in his favour. Cunning and treachery frequently overreach themselves, and an excessive caution is as apt to betray a guilty man, as too much confidence. Let us analyse this incident: Mr. Coxe knew from Mr. Charles Biddle, that Colonel Burr had left a letter with him for Mr. Clark, which Mr. Coxe "supposed was about his (Burr's) baggage;" Mr. Clark arrives from New Orleans, and the two partners march up to Mr. Biddle's, to receive this letter about "BAGGAGE," and Mr. Clark, on the reception of what he was so particular in seeking, gets angry with a gentleman, merely for dropping him a note about his "BAGGAGE;"—Nay, by some strange concatenation, he lugs in General Wilkinson, who was a thousand miles distant. Now, my senses deceive me, if there is not a manifest preconcert in this scene. Why should two merchants of eminence, walk together several squares, or even one square, to call for a letter relative to "BAGGAGE?" Why not send a servant for it? Why Mr. Clark's indecorous exclamation made, (as far as relates to me) at the expense of truth? for Mr. Clark's letters, before the court, will prove unequivocally, that this man pressed his communications on me, and was continually soliciting my correspondence and advice; and not two months, antecedent to this indecent exclamation, he addresses me in the following language, in a letter from New Orleans, of the 27th Sept. 1806, which is before the court: "I KNOW I AM ENTERING INTO A THORNY PATH, AND SHALL EXPECT A GREAT DEAL OF TROUBLE. I WOULD THANK YOU, FOR YOUR ADVICE TO DIRECT ME; AND IF YOU WOULD GIVE ME A

LINE, TO SOME OF YOUR FRIENDS IN CONGRESS, DISPOSED TO FAVOUR OR SERVE LOUISIANA, YOU WOULD, PERHAPS, AFTERWARDS FIND YOUR ACCOUNT IN IT. YOU MAY DIRECT TO ME, TO THE CARE OF MR. DANIEL W. COXE, AT PHILADELPHIA, UNTIL THE SESSION COMMENCES."—Yet, be it remembered, that Daniel W. Coxe, eight months after the date of this letter, from the man with whom he had been intimately associated many years, deliberately swears, that "Mr. Clark," (meaning Daniel Clark,) "always thought illy of the General." "O shame, where is thy blush!" CHAP. V.

Why does Mr. Coxe confine himself to "SUPPOSITION," respecting the contents of the letter? for, being present when his partner received it, if it related merely to "BAGGAGE," it would, after the formality which had preceded, necessarily have been submitted to him, and, by way of sound precaution, to Mr. Biddle also, I presume; for, if the letter had been an innocent one, this would have been an effectual mode, to silence suspicion; Mr. Biddle's disinterested word being of more value, than the oaths of the concern. After all, the artifice, cunning, and address of Clark, and of his friend Coxe, in this transaction, warrant the conclusion, that the letter would have been deposited with this court, if it could have borne the light, or had not contained matter unsafe to be made public.

But Mr. Coxe's deposition, in that part which speaks of the Marquis Yrujo, denotes the suspicions which hung about the mind of that minister, in consequence of Clark's intimacy with Burr, and clearly manifests his jealousy of Clark's visits to Vera Cruz, that "LAND OF PROMISE," mentioned to me by Mr. Clark, in his letter of the 14th April, 1806, which is before the court. Mr. Clark's exculpatory letter to his friend Coxe, prepared for the Marquis, is too flimsy a veil, to conceal his real standing with Burr; it is excessively laboured, and carries with it strong appearances of an attempt, to escape from the consequences of a charge, which the writer knew to be true. An innocent man, on so slight a hint that he was

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suspected of improper conduct, would have deemed it amply sufficient, to deny the imputation; or, if he consulted his dignity, he might very properly have treated it with silent contempt. I ask you, gentlemen, to contrast this fabrication of Mr. Clark, (prepared and transmitted to his partner, for the purpose of silencing the Marquis's suspicions) with his letter of the 20th July, 1805, to myself; the conversation he held with John Graham esq., about the very time this letter for the Marquis was written to Coxe, and his attempt to seduce Lieutenant Murray from his duty; after which, scepticism itself might cease to doubt, and, instead of removing the suspicions of the Marquis, this stroke of artifice tended to justify them.

I make no comment, on Mr. Coxe's knowledge of Mr. Clark's friendship for me; his letters are before you, and if sentiment could be attached to his heart, or truth to his word, the conclusion would be inevitable, and Mr. Coxe's oath to the point a libel. But from recent events, I am inclined to close with Mr. Coxe's character of his friend, and to believe that every affection of his soul, is centered in sordid interest, as the means of indulging a sinister ambition; that he can profess without feeling; that he can smile and stab; that he is ostentatious without generosity, expensive without liberality, and a hypocrite in all things. So far Mr. Coxe's deposition coincides with my present opinion.

That a change to my prejudice, should take place in Mr. Clark's mind, about the time of Burr's discomfiture, (as Mr. Coxe has stated) is very natural; his imperatorial visions were dissipated by my conduct, his vengeance was excited by disappointment, and I must be sacrificed, for daring to interpose between him and a dukedom.

Of Mr. Coxe's intimacy with the public despatches of the Marquis Yrujo, I can know nothing; nor can I be accountable for the opinions, which any public functionary may form of my intentions; but it argues an extraordinary degree of confidence, when an American mer-

chant, can be admitted to the perusal, of the official communications of a Spanish minister to his court: in such case, much may be ascribed to political sympathy, and something to the artifice, of such cunning imposters as Coxe and Clark. It is probable, that in this instance, they have contrived to delude the Marquis, the better to mask Burr's real designs, as, it was said by Bollman and Swartwout, Burr had previously done. And would it be uncharitable, after the correspondence and the intimacy, which Mr. Coxe has claimed with the Marquis, to suspect that he might have been Clark's willing instrument on the occasion? To the correspondence and the signature, which Mr. Coxe ascribes to me, I can only say I am a stranger; but I do solemnly declare, I have never written to, nor received a letter from, any minister or member of the Spanish cabinet. If Mr. Coxe may be credited, it is apparent the Marquis has been deceived in one instance, and it follows, that he might be cheated in others. His letter, as represented by Mr. Coxe, is, in its aspect, an unfriendly one to me; and therefore it is a fair presumption, that if the writer had possessed the power to injure me, he would have employed it.

The narrative which Mr. Coxe ascribes to Mr. Power, of his interview with me at Richmond, may serve to evince the intimacy of those worthies, which I have no disposition to interrupt; and I hope I shall be excused, if I pay no farther attention, to such scandalous and puerile fictions, however worthy the regard of Mr. Coxe, when bearing testimony in the eye of Heaven, against the honour of a fellow man.

To enable the public to form a correct estimate, of the adventurous spirit, and the veracity of Mr. Coxe, when the interests of his friend and partner are at hazard, it is only necessary, to introduce a specific allegation from his deposition, in which Mr. Coxe declares, that he "*has obtained information which* HE BELIEVES MAY BE FULLY RELIED ON, *that William Lewis esq. of Philadelphia, counsel for Colonel Burr, possesses facts, statements and documents, which will prove that there existed between Burr*

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*and Wilkinson, an agreement and mutual understanding, in relation to the conquests they proposed making in the west, and that they were to co-operate in the accomplishment of that object."** The best answer to this calumny, is the following extract from the deposition of Mr. Lewis.

Extract from the Deposition of William Lewis esq.

The deposition of William Lewis esq.

"*Question* 2.—Have you ever held any conversation with Daniel W. Coxe, on the subject of any supposed information, papers or documents, which may be in your knowledge or possession, tending to develope the nature and extent of the connexion and understanding, which had existed between General Wilkinson and Colonel Burr? if so, please to state the time, circumstances and amount of such conversation.

"*Answer.*—I cannot mention the precise time, but I suppose it to have been about three years ago, or perhaps more, Mr. Daniel W. Coxe, on the one hand, and Mr. Thomas Biddle, in behalf of General Wilkinson, on the other, spoke to me, in order as I believe, to obtain from me what information they could, respecting my knowledge of any supposed connexion and plans of General Wilkinson and Colonel Burr; but, as Colonel Burr had not taken his trial, and as my knowledge, whatever it was, had been derived in the way that has been mentioned, I was determined, that neither of them should learn any thing from me; and I was, therefore, extremely guarded and cautious, in my expressions to them both, except that when Mr. Coxe, near the close of our short conversation, said as nearly as I can recollect, in the following words: "I believe I can get a gentlemen who will prove, or, there is a gentleman who will prove, that you are in possession of an agreement signed by Wilkinson and Burr, or an agreement in writing between Wil-

* See Third Report Committee of Congress, Mr. Bacon chairman, page 154.

kinson and Burr, to conquer for themselves (whether he said a part of the United States, Mexico, or both, I do not recollect)." I denied it, and declared that I was not in the possession of any such paper. On this he said, "Well, you must go under a subpœna, and answer on oath;" and here I believe the conversation ended. CHAP. V.

"I solemnly declare, that I neither am, nor ever was, in possession of any such paper, or any one like it, and that I never heard of such a paper, until it was mentioned to me by Mr. Coxe; and further, that I never said I had been in possession of, or had seen any such paper. I feel perfectly sure, that in no conversation which I ever held with Daniel W. Coxe, on the subject of any supposed papers or documents which might be in my possession, tending to develope the nature of the connexion, which might have existed between General Wilkinson and Colonel Burr, I ever went further in my statement respecting them, than I have now mentioned.

(Signed) "W. LEWIS."

"*Committee Room of the House of Representatives,*
"*Feb. 9th,* 1811.

"Then personally appeared William Lewis, and made solemn affirmation, that the answers thus given and subscribed by him to the foregoing interrogatories, contain a just and true relation of facts according to his best knowledge and recollection.

"Before me,
"EZ. BACON, *Chairman of a Committee appointed to enquire into the conduct of Brig. Gen. James Wilkinson.*"

I cannot dismiss my observations on the willing testimony furnished by Mr. Coxe, without noticing his sweeping affidavit,* concerning the documents and papers produced by him. He has there undertaken to prove, that D. W. Coxe's sweeping affidavit analysed.

* See First Report Committee of Congress, Mr. Butler chairman, p. 213.

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eighty-two documents and papers, produced by him before the committee of Congress, are genuine, "*and in the hand writing of the persons therein respectively designated;*" and among them, we find the supposed manuscript of Bouligny, Collins, Portell, John Ballinger, Langlois and Bradford, with neither of whom does it appear, or is it believed, Mr. Coxe ever had any acquaintance, or correspondence; and whom, it is highly probable, he had never seen. In his deposition laid before the court of enquiry, he is more circumspect; and, to give due weight to his evidence, he swears to his acquaintance with Carondelet, Power, Gayoso and Nolan, *and to his own knowledge of the hand writing of those four persons;* but he does not, in his verification of the eighty-two documents referred, pretend to have seen, either the persons or the writings, of the men whose names I have noted. Without a knowledge of their hand writing, it is utterly impossible that he could know, the papers and documents to be genuine, which appear to be certified by them. It is true, Mr. Coxe, on his oath, states this proof to be made according to the "BEST OF HIS KNOWLEDGE AND BELIEF;" but, if he intended to escape the imputation of perjury, by this saving clause, it cannot avail him: if he had no positive knowledge of those hand writings; if his belief of their being genuine, was only from hearsay, or the information of others, it was his duty to have said so: it was also his duty, to have told THE TRUTH AND THE WHOLE TRUTH, which he had solemnly sworn to do; and, if, his knowledge and belief, were produced only by hearsay, the common principles of justice and law, would have rendered this proof inadmissible against me; and this, Mr. Coxe had sufficient understanding to know. But by a scandalous and unworthy equivocation, he has so worded his deposition, as to give it the *form* of legal evidence against me, and, if, arraigned hereafter, as he rightly deserves to be, for attesting palpable forgeries to be genuine documents, he will shelter himself under the salvo, of "*the best of his knowledge and belief;*" and it will be found, that this knowledge and belief, was derived

from the hearsay, of Daniel Clark or Thomas Power, or some other source equally depraved. In the eagerness of the clamourous and diabolical pack, to hunt down and destroy my fame, the ordinary barriers of honour and conscience, have proved ineffectual: those who had not the hardihood to leap over, have crept under, or wormed their way through; and of the last description (equally guilty with the first, but still more despicable and mean,) Mr. Coxe is a striking example. I would recommend also the comparison of Thomas Power's testimony, before the court, with the deposition of D. W. Coxe, respecting the papers left in Coxe's hands, by Power, published afterwards, by Mr. Coxe, in Relf's Gazette, and handed to the House of Representatives, by Mr. John Randolph: it will be there seen, with what facility Mr. Coxe can forget or remember, *and how convenient his recollection can be made, to aid the purposes of my persecution.*

CHAPTER VI.

Colonel John Ballinger's ex parte affidavit, reported by Mr. Butler of Congress.—His testimony given before the court.—Power's narrative, deposition and report to Governor Gayoso.—General Wilkinson's first interview with Thomas Power.—Correspondence between General Wilkinson and Thomas Power, at Cincinnati and Greenville, in 1795-6.*—General Wilkinson's letter and instructions to Power, respecting Robert Newman.—Power's receipt to General Wilkinson, for one hundred dollars.—General Wilkinson's correspondence with Thomas Power at Detroit, Sept.* 1797.*—His letter to the Secretary of War, Sept.* 6, 1797, *inclosing orders to Captain Z. Pike, commanding officer at Fort Massac; and general order, September* 4*th,* 1797.

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Colonel John Ballinger's ex parte affidavit examined.

I COME now, Sir, to the testimony of Colonel John Ballinger, and must ask leave to be indulged in a few remarks on his deposition, which is in the following words:*

"Personally appeared before me the undersigned, one of the justices of the peace for the parish of New Orleans, Mr. John Ballinger, now resident in Cape Girardeau, Territory of Louisiana, late a member of the Kentucky legislature, who being duly sworn on the Evangelists of Almighty God, did depose and say; That in the fore part of the winter of the year 1789, as well as he recollects, his brother Joseph Ballinger, brought two mules loaded with money, from New Orleans, to the state of Kentucky, for General James Wilkinson; that from the fatigue of the journey, and indisposition, his said brother

* See First Report Committee of Congress, Mr. Butler chairman, p. 10.

was unable to finish his journey, and got this deponent to conduct the said mules and money to General Wilkinson at Frankfort, where he arrived on the 26th day of December, in the year aforesaid: the said money was in leather bags, and very heavy loads; and this deponent further declares, that the General expressed much satisfaction at the receipt of the money, having been under some apprehensions, on account of the delay which had taken place on the journey; which said mules and money General Wilkinson receipted for; which receipt is among this deponent's papers; and further this deponent saith not.

(Signed) "JOHN BALLINGER.

"Sworn and subscribed to, at the city of New Orleans, this 12th day of January, 1809, before

"SAMUEL W. EARLE,

"*Justice of the Peace.*"

It was known that the respectable standing of this witness, would give weight to his evidence, and that the facts to which he should depose would obtain belief; my accusers have, therefore, endeavoured to attach great importance to his testimony. It is, indeed, notorious, that it was taken on an ex parte examination, in my absence, and without my knowledge; not before a public or impartial tribunal, desirous of ascertaining the truth, but at a thousand miles distance from me, in conclave, and at the instance of men, seeking to give to the most innocent actions of my life, the stain and colouring of guilt. Yet, notwithstanding these circumstances of distrust and suspicion, which, on the ordinary principles of justice, would have produced the total rejection of this deposition, it was, in May, 1810, received as evidence against me, by a committee of the House of Representatives in Congress assembled, of which the honourable Mr. Butler, of South Carolina, was the chairman, and was sent forth to the world, under the high authority of that powerful legislative body, as one of the leading testimonials, of my treachery and corruption. It is true, the deposi-

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tion merely states, *that I had received a large sum of money from New Orleans, in 1789; and it was known to every one who knew any thing about me, that, in that year and afterwards, I was engaged in large commercial speculations at New Orleans.* This fact is explicitly proven by the deposition* of Elisha Winter, read in evidence on the part of the prosecution, who was privy to the deposit of money, having been made at New Madrid, on my account, and gave the information to General Wayne, by whom Lieutenant Steel was despatched, to intercept it, together with my suspected treasonable correspondence. Yet, the bare fact of my having received the money, was accepted, by the House of Representatives, as evidence that I was a Spanish pensioner; and as a proof of the charge, it has, for more than eighteen months, been circulating in newspapers, in pamphlets and reports, clothed with all the weight of legislative sanction, poisoning the public mind, and irritating the public feeling against me. It is in vain now to enquire, how many have read this deposition, who will never hear, of Colonel Ballinger's additional testimony before this court; it is in vain to enquire, how many have yielded their faith, to this species of unexplained proof, who will never hear of the vindication I have offered. The poison has had time, to strike deep into the public mind, and, after almost two years of corroding suspense, I am now permitted to apply the best remedy I can find: this is a precious sample, of the justice I have received, at the hands of the representatives of the people: the injury is done; it is, perhaps, beyond the reach of redress;—but it is useless now to complain of it; I ought rather to rejoice, that Colonel Ballinger has lived, to appear before this court, and refute by his testimony, the inferences so iniquitously drawn, from his former deposition; for if, with Owen, Nolan, Gayoso, and Carondelet, the hand of death, had placed him beyond the reach of an earthly tribunal,

* See Appendix, No. XXXV.—First Report Committee of Congress, Mr. Butler chairman, p. 72.

his name and his deposition, like the names of the deceased, would have been incessantly invoked, to give strength to the calumnies against me. But, after the testimony*, he has given before this court, my accusers will no longer depend on this proof, to sustain their charges; for he has here sworn, that "HE CARRIED THE MONEY INTO FRANKFORT, AS OPENLY AS HE CAME INTO THIS TOWN; DELIVERED IT TO ME IN THE PRESENCE OF MANY PERSONS, WHOM HE FOUND THERE, SOME OF WHOM HE KNEW, AND SOME OF WHOM HE DID NOT KNOW; THAT FROM THEIR CONVERSATION, HE FOUND THEY KNEW HE WAS COMING, AND WERE WAITING HIS ARRIVAL; THAT THEY WERE TOBACCO PLANTERS OF LINCOLN COUNTY, IN KENTUCKY, AND WERE THERE TO RECEIVE THEIR MONEY, FOR TOBACCO WHICH I HAD PURCHASED OF THEM; FOR THE CARGO OF WHICH, THE MONEY CONVEYED BY THE WITNESS, WAS ONLY PART OF THE PROCEEDS; AND THAT SOME DISAPPOINTMENT WAS EXPRESSED BY THEM, BECAUSE THE WHOLE AMOUNT OF THE SHIPMENT, HAD NOT BEEN FORWARDED FROM NEW ORLEANS, AS HAD BEEN EXPECTED.

Colonel John Ballinger's testimony before the court.

This is the substance of Colonel Ballinger's testimony before the court, and there can be no doubt, that he would have given the same statement, when his deposition was taken, if those† who were collecting the information, had asked him the questions, calculated to shew the true nature of the transaction. But truth was not their object, and, from the detection in this instance, some estimate may be formed, of the fairness of my accusers, and of the means employed to collect information, for the support of their allegations.

It will not, I am sure, Mr. President, be expected of me, to make any reply to the letter‡ from Evan Jones

* See Appendix, No. XXXVI.

† The partisans of Mr. Clark took the deposition of Colonel Ballinger; and this is the species of testimony on which D. W. Coxe, and his coadjutors, founded Daniel Clark's *proofs*.

‡ See Appendix, No. XXXVII.

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to Daniel Clark, as it is a mere statement, in a letter, not verified by his oath, even on a private ex parte examination; and if it were so verified, and the contents of his statements, were worthy of belief, yet the openness and frankness of my conduct, in making the communication to Mr. Jones, unasked for, and of my own free will, would take away all suspicion of guilt; especially, when I am found narrating the circumstance, as a matter of indifference, and ordinary occurrence, without secresy or mystery; at a time too, when it is well known, and has been proved by the accounts exhibited, by Daniel Clark himself, that I was engaged in extensive, and valuable shipments of Kentucky produce to New Orleans.

Evan Jones's letter to Daniel Clark.

Nor can it be necessary to detain you, by remarking on that part of Lieutenant-colonel Freeman's testimony, which was offered on this branch of your enquiry; because he barely stated, that all he knew upon the subject, was derived from a conversation, with the late Captain Thomas Lewis, on their way from Carlisle to Pittsburgh, in November, 1797.

Lieut. Col. Freeman's testimony.

It will not be expected, that I am under any obligation to defend myself, against the hearsay, of a hearsay; against the saying of Captain Lewis, of the saying of some man to him, who is not named. I admit, gentlemen, that I have been grossly calumniated, and I am far from supposing it impossible, that some man may have calumniated me to Captain Lewis; neither can I descend to answer the opinion, Captain Lewis may have formed, or may have been understood to intimate, by repeating such a story to Colonel Freeman. I am not responsible for the idle, or absurd opinions of any man; I am to be tried by facts; and least of all am I to be responsible, for the opinions of men, who had arrayed themselves against me, with the most decided hostility, in which number Captain Lewis was well known. But I presume, an argument was intended, to be deduced from the fact, that, although these charges were known to me, so long ago, as 1797, I had suffered them to remain unnoticed, and

unpunished, because I was afraid to awaken enquiry; I shall always deem myself fortunate, Mr. President, when a fair examination is made into my conduct; and the evidence produced, in this instance, has afforded me an opportunity of shewing, that a portion of the slanders, on which this prosecution has been raised, was circulated more than fourteen years ago; and that as soon as it reached my knowledge,* I made the communication to the President, and sought for relief.

It must be observed, that this letter to President Adams, was written less than four months after the time, when Thomas Power, would have you believe he was intriguing with me at Detroit, and holding conferences with me as a pensioner of Spain. Is it credible, that I should have thus eagerly sought an enquiry, and thus boldly defied investigation, when my hand was yet warm from the touch of corruption, and my heart conscious of its guilt? Let the answer of one of the firmest patriots and most independent men, our country has given birth to,— let the answer of John Adams, of February 4th, 1798, speak for me.

Here I close my observations, on the testimony of Lieutenant-colonel Constant Freeman,† who was brought forward, first, as one of my judges, contrary to my remonstrance, and afterwards, as a most important witness, in favour of the prosecution.

It appears, gentlemen, from the tenor of my letter to Mr. Adams and his reply, written at the close of the year 1797, and the beginning of 1798, that I had even before that period, courted a formal enquiry into my conduct; especially, with regard to my alleged connexion, with the Spanish government; but the scandalous rumours on that subject, had made no impression upon the minds, either of General Washington, or Presi-

* See Appendix, No. XXXVIII.

† The Colonel was appointed a member of the court, by order of Mr. Secretary Eustis, notwithstanding my objection, and when found on the court being challenged by me, he acknowledged his prejudices, and retired.

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dent Adams;—and the secretary of war, Mr. M'Henry, in the winter 1796-7, had "*advised me, as a friend, to give myself no more trouble about it,*" although General Washington, was, at the time, in possession of Elisha Winter's information to General Wayne, respecting the $9000 received by Philip Nolan, for me, from Gilbert Leonard, and forwarded by the Mississippi.

It would, perhaps, have been fortunate for me, if the honourable and unabated confidence, which the government reposed in my integrity, had not prevented an investigation at that time;—when every transaction was recent, to which suspicion is now attached; there would then have been no difficulty, in exploring the origin and grounds, of these scandalous charges; a ready and complete explanation, would have been given, to every circumstance upon which the fictions, of a vile imposter, have since been reared; and you, and I, gentlemen, would have been now spared the trouble, of a minute inspection into those abominable libels, which Daniel Clark and Thomas Power have given to the world, in the form of narratives and depositions.

In regard to the receipt of the money, which Power has sworn, he delivered to me, it has been already discussed, and will be satisfactorily accounted for; but it is necessary that I should in this place, briefly examine certain PARTS OF THE HISTORY, he has given us, of his three several missions to the western country, so far as they relate to to myself.

Power's deposition and narratives of his commissions, in 1795-6 & 7 under the order of Gayoso and Carondelet, particularly examined.

Whether any of the secret documents, and despatches, by which Mr. Power, attempts to support his narrative, were really written at the period they bear date?—Whether there was any foundation, in truth, for the representations contained in them, of the conduct and views of other persons?—Whether the whole was aot a romance of Power's brain, to enhance his own importance, and recommend himself to his employers?—Or, whether all those papers, be not, an odious and subtle forgery, of a more recent date? it is not necessary for me to conjecture; but, if, they were originally genuine, I think there

is internal evidence, in the papers themselves, that several passages have been interpolated, in order to introduce my name, among the number of the supposed intriguers and conspirators, and to give a plausible colour of consistency, to other parts of his testimony.

In his narrative and deposition,* he gives an account of his first mission, and interview with me, at Cincinnati, in October and November, 1795; and of his second interview, at Greenville, in May or June, 1796.

The account of his third mission, and interview with me, at Detroit, in August, 1797, is contained in his pretended report to Governor Gayoso.†

With respect to the objects of his visit to me, at Cincinnati, that you may understand the real circumstances, upon which his fabrication is founded, it may not be improper to premise, that when Power called on me at Fort Washington, (Cincinnati) it was the second time I had ever seen him; having once before, accidentally met him at Galliopolis, in the year 1793, as I was ascending the Ohio, accompanied by Colonel Cushing, the late Richard Graham esq. of Dumfries, and others.

General Wilkinson's first acquaintance with Thomas Power.

He appeared to be a man of travel and information; his conversation was interesting, and he represented himself, as engaged in collecting materials, for the purpose of forming a natural history of the country; and when he visited me at Cincinnati, he represented that he was in quest of money due to him, some where up the river: I, of course, treated him with the attention due to a stranger, of liberal education and polished manners.

In his deposition, referred to, he states "that he reached Cincinnati, the 3d of October, and proceeded from thence up the Ohio, as far as Galliopolis, in obedience to my orders, which he had been instructed by Gayoso implicitly to follow;" but he has not mentioned the motives of this voyage, of two or three hundred miles, nor has he

* See First Report Committee of Congress, Mr. Butler chairman, p. 79.

† Ibid. page 130.

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informed us, what object was attained by it. He recollects returning again to Cincinnati "on the 8th of November, and leaving that place on the 14th, *with Wilkinson's answer, having occasionally dined with the General, and having had several nocturnal conferences with him, in Fort Washington.*"

It does not appear, from his depositions, what was the precise date of the letter, which he says was written by me, at that time, in answer to Gayoso; but, on his examination before the court, he thinks it must have been written, in October, 1795.

In his printed deposition, before referred to, he had stated, that "*in my letter in cypher to Gayoso, I referred him (Gayoso) to what he (Power) should verbally communicate.*" Now it is evident, from Power's own shewing, if he is to be deemed worthy of credit, even when speaking against himself, that this letter was the one alluded to, as the answer he pretends to have received from me, for Gayoso, on his first visit to me at Cincinnatti, in 1795; indeed it appears, to have been the only occasion on which, according to his own statement, he was employed by Gayoso, while the Baron de Carondelet remained in Louisiana, from whom, it seems, he received orders, as late as the 4th of June, 1797; and of consequence, being the only occasion on which, he bore a letter from Gayoso to me, he must have intended, to describe the letter of 22d Sept. 1796, as the answer. But when brought before this court, he endeavours to explain, the date of the letter alluded to in his deposition, and to secure himself from a palpable contradiction, he makes me write two letters to Governor Gayoso, the one in 1795, and the other in 1796, but as it was notorious, he arrived at Cincinnati, in *October* of the first year, it became necessary for him to adopt another year, for the date of his forgery. He, therefore, testifies that this fiction, was dated September 22, 1796; at which time, it was equally notorious, he was in Kentucky; but here again his cunning fails him, if we may credit his information, to the Baron de Carondelet, and Governor Gayoso, transmitted from

New Madrid, January 3d, 1797. To the first, he writes, "I should already have returned to the capital, if I had myself been the bearer, of the letters of ****, which I have received some days since by Mr. Nolan;" and to Gayoso, "I arrived at this place, on the first of last month, and have been detained, by a concurrence of unlucky circumstances, **** had ordered me to stay, until Nolan should arrive with his letters; Mr. N. did not arrive, before the 17th or 18th of December:" of course it was impossible, I could have written the letter of the 22d September, 1796, which he imputes to me, and says he delivered to Gayoso; nor is it credible, that having an opportunity by my confidential agent Nolan, I should have entrusted a letter of importance to Power, a mere stranger. But he has told you, gentlemen, that he "obtained from Gayoso, a certified copy of the pretended letter, of the 22d of September, 1796, that it might serve him at the court of Madrid, as a voucher, of the efficient and successful services, he had rendered by his intrigues in Kentucky;" yet he has not visited Madrid, to avail himself of this voucher.

Of the other letter, which he swears was written by me, to Gayoso, in October, 1795, he has not undertaken to produce a copy, and here it is worthy of remark, that it seems extraordinary, when seeking from the Governor, some testimonial of his services, to present to the Spanish court, that he should not have preferred the letter, of October, 1795, to that of September, 1796; or that, at any rate, he should not have been equally desirous, to procure certified copies of both.

Considering that it was the first fruit of his intrigues, and would have furnished strong evidence, of his zeal and address as a negotiator, it is a natural presumption, that the letter, of October, 1795, would have been quite as important a voucher to him, as that of September, 1796; and that he would rather have selected the first letter, as a document (comparatively speaking) of much greater consequence to him, than the other: so it is however; that, he declares, the verbal observations, which he re-

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presents me, to have directed him, to lay before Gayoso and Carondelet, were committed to writing, at the time, and he affects to produce a literal copy of them, so wild, romantic, and absurd, as to discredit his assertion, and detect the fraud; *But of my letter*, addressed to Gayoso, transmitted by him at the very same time, he did not *think it necessary to procure a copy, and he does not say, that he has preserved any written memorandum of it,—or that he recollects any thing of its contents.*

But Mr. Power has entirely forgotten, to say any thing of his own letters, addressed to me at Cincinnati, and of the answers I returned him; the manner of his reception, and treatment by me, on his first arrival at Cincinnati has been stated, but during his absence, on his journey up the river, certain reports had reached my ears, of the supposed sinister objects of Power's voyage; and that he was considered, by the commanding officer of the army, as a spy.

Correspondence between General Wilkinson and Power, in 1795-6, at Cincinnati and Greenville.

Whatever opinion I formed, as to the justice of those suspicions, a becoming respect to my superior officer, rendered it proper, that should Power return to Cincinnati; instead of the urbanity, with which strangers were usually received by me, my deportment towards him, should be distant and reserved; He did return on the 8th of November, as he represents, and perceiving the change in my deportment towards him, he addressed a letter to me, on the 10th, in which he complains, "*of the torvous aspect and austerity of manner, which accompanied the reception, he had yesterday met with under my roof.*" *

I wish to refer the court to the whole of that letter, as well as my answer, on the 11th of November,† explaining to him the motives, for the change in my manner of receiving him, and a second letter‡ from him, of Novem-

* See Appendix, No. XXXIX.—Third Report Committee of Congress Mr. Bacon chairman, page 70.

† See Appendix, No. XL.—Third Report Committee of Congress, Mr. Bacon chairman, page 72.

‡ See Appendix, No. XLI.—Third Report Committee of Congress, Mr. Bacon chairman, page 73.

ber the 18th, in which he reprobates and derides, the idea of his being a spy, and by a train of sarcastic reflections on General Wayne, as the author of that suspicion, and by the strongest protestations in both letters, he strives to remove from my mind, all doubt of the purity and innocence of his designs.

Shall it be said that these letters, in which Power complains *"of the reserve, not to say contempt, with which I had treated him,"* were merely prepared as a cover, to disguise a secret subsisting intimacy? Mr. Power has not pretended, that this kind of manœuvre was ever resorted to, either upon this or upon any other occasion; although Andrew Ellicott informed the secretary of state, in his secret communication, of November 14th, 1797, that "he (Power) met General Wilkinson, at Cincinnati, in September last was a year; they affected for some days to be upon bad terms, but were privately closeted at night;"—this information of Mr. Ellicott, being hearsay, is not otherwise worthy of consideration, than as it demonstrates unequivocally, his secret and perfidious intercourse with Power, because it was from Power alone, he could have understood the circumstances, of the treatment he received from me.

Yet Power, himself, has not had the hardihood, to give this turn to the correspondence at Cincinnati, and he has declined mentioning these letters at all, in any part of his voluminous testimony.

If one part of his statement were correct, it would shew, that these letters could not have been intended, as a mere veil to conceal his visits to me; because, from his own account, it would seem that such concealment, was not deemed necessary.

If such were the case, that besides "having nocturnal conferences," he was admitted "to dine with me, occasionally, between the 8th of November and the 14th," the circumstance could not have escaped public observation, at such a place, and, therefore, it would have been idle, and useless, to prepare these letters, as a cloak of mystery.

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The statement, in fact, proves that these letters, were not feigned; and as they were sincere, they prove that his statement is false. They shew, that Power was kept, by me, at a respectful distance, when he returned to Cincinnati; and the caution and distrust, then manifested towards him, would render it utterly impossible, that he should be permitted, to hold those "nocturnal conferences," or should have "occasionally dined with me."

These letters, and the deposition of Power, are therefore inconsistent, and incompatible with each other; the letters prove, that he was not, at that time, received by me, in the friendly, hospitable manner, which he describes. It cannot be surmised, that these letters were fabricated, to serve the purposes of concealment, or to mask our interviews; because, if Power was entertained, as a guest at my table, "occasionally," as he swears, the letters, could have answered none of the purposes of intrigue or mystery; his favourable reception, within a military post, would have become a matter of notoriety, and it would have been in vain for me, to rely on his letters, for my exculpation; as they would have been but a flimsy disguise, when the intimate terms, upon which he was admitted to my table, could not fail to be publicly known.

In the same deposition, Power has very briefly related, the circumstances of his interview with me at Greenville. Having returned from his visit to me at Cincinnati, in 1795, to New Orleans, he and Sebastian took passage at that city, in the brig Gayoso, for Philadelphia, in March or April, 1796; and from Philadelphia, they proceeded together, by the way of Shippensburgh and Redstone, as far as Cincinnati, where they arrived on the 17th or 18th of May. Sebastian went on to Louisville, and Power remained at Cincinnati, until he obtained my permission to visit Greenville. Having waited five or six days at Greenville, as he says, to receive my instructions and despatches, he again returned to Cincinnati, and proceeded, with all possible haste, to New Madrid, to take charge of the 9640 dollars. For the details of the re-

mainder of this expedition, he refers to his deposition of the same date, which has been particularly examined, in another part of my defence. At present, I wish to attract the attention of the court, to his account of his interview with me at Greenville. CHAP. VI.

In a very summary detail, he states, in his deposition, that, having arrived at Cincinnati, a day or two before, "on the 20th of May, 1796, he wrote to General Wilkinson, who then had the command of the army, owing to General Wayne's absence, soliciting permission, to travel by the line of forts to Greenville; and to pursue his route to the Illinois by Post Vincennes;" which, he afterwards adds, was only "a device to avoid curiosity." He has annexed a copy of my answer* to his letter, in which I cannot perceive that there is any thing very criminal, or censurable. I shall, however, read it again to the court.

Although there is nothing very treasonable in the letter here alluded to, it is not difficult to understand, the motives of Power, and his prompter Mr. Clark, in their manner of introducing it. It was intended to shew the readiness, with which I received Power's application, for permission to visit Greenville, and to infer from it, the corrupt interest which I felt in seeing him, and my general understanding of his views, as a negotiator of Spanish intrigue. My answer is therefore given, without a copy of his letter which produced it. The motives and objects of his journey (as Power deemed it necessary to explain them to me, in asking my permission to visit Greenville) are thus carefully left out of view; and the route, which he proposed to take, to the Illinois, is glanced at in such a manner, as would leave the public to presume, that I, at once, understood it to be all a pretext, or, as Power expresses it, "a device to avoid public curiosity." In his deposition he has, therefore, not only omitted to furnish a copy of his letter of the 20th of May, but he also avoids mentioning a syllable of two other letters, which

* See Appendix, No. XLII.—Third Report Committee of Congress, Mr. Bacon chairman, p. 81

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he wrote to me, upon the same occasion, before he received my answer to the first. These three letters afford so complete, and natural an explanation, of the motives and objects, which Power induced me to believe, had influenced and directed his application; they manifest so clearly the pains, which he thought it necessary to take, to satisfy me, that his objects were altogether innocent, and that they had been unjustly misrepresented by General Wayne; they contain such expressions of anxiety and apprehension, lest those groundless reports, as he terms them, had made an impression on my mind; they so entirely exclude all idea, or probability, of the existence of any arrangement, or previous intercourse between us, of a disguised and treasonable nature, such as he represents to have taken place at Cincinnati, in the preceding year; they evince, with so much earnestness, his solicitude, lest his request should not be granted, and the concern, with which he at last takes leave of me, under an impression, that "disregard, forgetfulness, or doubts on my part, as to the nature of his views, had even deprived him of the chance, of receiving any answer from me;" and they abound with such strong, presumptive proofs of my innocence, and so conclusive a contradiction, by Power, of himself, that the court must pardon me, for reading the whole of their contents.*

In introducing these, and other letters of Power, as evidence in my behalf, I beg it may be remarked, that I disclaim all idea of giving any sanction, at this time, to the violent and acrimonious invective, with which he resents the treatment he had received from General Wayne. When I received his letter of November 12th, 1795, Mr. Power had left Cincinnati. Far be it from me, gentlemen, to disturb the ashes of the dead: I seek not to revive the recollection of those animosities, which have been long since buried in the grave: I would rather pray that the remembrance of those unhappy feuds, which once pre-

* See Appendix, No. XLIII.—Third Report Committee of Congress, Mr. Bacon chairman, p. 76—80.

vailed, might be extinguished for ever. I honour military ardour, I revere patriotism, I worship personal valour; and no officer of his country, possessed those qualities in a more eminent degree, than the late General Wayne—once my intimate friend, but converted into an enemy, by the intrigues and artifices of those earwigs, who too frequently infest head quarters. But to return to these three letters; I would ask, where could have been the necessity of Power's writing to me, in the spring of 1796, in this style of repeated submissive entreaty, or where the necessity of his waiting at Cincinnati, for my permission to visit Greenville, if there is any truth in his preceding narrative. If he is to be believed, I already stood pledged and devoted, to the plans of the conspiracy; and in the conferences held with him at Fort Washington, the preceding summer, I had committed myself to his confidence and fidelity, even to a greater extent than Gayoso himself. If, therefore, he was again approaching me, in the character of a confidential agent of the conspiracy, and was moreover bringing to me the agreeable tidings, of the transmission of the 9640 dollars to New Madrid, in part of my pension, Power could not have entertained any apprehension, of being an unwelcome visitor; more especially at a time, when the absence of General Wayne, by leaving me first in command, would have relieved me from all the restraints, which prudence might otherwise have dictated.

The force of contradictory evidence, arising from Power's letters, is not to be weakened by an inuendo, that they were devised to elude suspicion.

Instead of making any such insinuation, to explain away the force of these letters, Power himself has not noticed them at all, excepting his first letter, of which he carefully avoided producing a copy, when his deposition was prepared: nor has he offered, any explanation of them, in his testimony before this court, although he has no doubt seen, and examined the letters, as produced by me, in May last, and published in the third printed report of the committee of Congress.

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It is not asserted, that the letters were ever employed by me, for any purpose whatever. If not exhibited to the public view, or to the view of my government, they could have been of no possible service to me, in removing the jealousies and suspicion, which might have been excited, by Power's appearance at head quarters.

It does not appear from his own account, that he prepared his way by any such expedient, when he first visited me at Cincinnati, in October of the preceding year, nor in his third visit to me at Detroit, in the summer of the following year.

That these letters, therefore, were written for the purpose they expressed, and that they were considered by me, as disclosing the genuine objects of Power's second journey, there is no reason to doubt; and if so, they flatly contradict the purport of his deposition.

But, if it be true, as he alleges, that his proposed "journey to the Illinois, was a device to avoid curiosity," there is strong ground of presumption, that it was not a device for treasonable purposes; but that he wished to avail himself of the opportunity, to make an arrangement and bargain with me, for the apprehension of Robert Newman, and procuring me the benefit of his testimony.

General Wilkinson's letter to Power respecting Robert Newman, with interrogatories, and Power's receipt for $100.

It was known, and had become a subject of general conversation, that Newman had been prevailed upon, to implicate and accuse several innocent persons, and myself among the number, after his arrest and confinement for desertion; and it was known, upon his release without trial or punishment, that he had descended the Ohio, to the Mississippi, and thence to New Madrid. Power was willing, for a suitable reward, to employ his good offices in my service, for causing Newman's return to Kentucky, or procuring me Newman's formal deposition, on the various points in the memorandums, inclosed to Power, in my letter dated Greenville, June 8th, 1796,* to which I would refer the court.

* See Appendix, No. XLIV.—Third Report Committee of Congress, Mr. Bacon chairman, page 82—84.

As a reward for that service, and in addition to the one hundred dollars paid him in hand, it will be seen by my letter, that I was willing to add four hundred dollars more, or any further sum, not to exceed one thousand dollars. In confirmation of this statement, I beg leave to submit to the court, Power's accountable receipt.

"Received from Brigadier-general James Wilkinson, the sum of one hundred dollars, for services to be performed by me, respecting a certain Robert Newman, supposed to be in the province of Louisiana.

(Signed) "THOMAS POWER.

"*Greenville, June 8th*, 1796."

This transaction may perhaps explain to the court, the advantage which Power proposed to himself, in visiting me at Greenville, under the pretext, if it was a pretext, of intending to pursue his route from thence to the Illinois, by Post Vincennes; and it may, in some measure, account for his anxiety to obtain my permission for his visit; but the anxiety apparent on my part, to obtain Newman's return to Kentucky, where his testimony might be had, does not argue any consciousness of guilt, or any fear in promoting a full disclosure of the truth: nor does my employment of Power, for such purpose, at such a period, indicate a very lively interest, in the great impending projects of the conspiracy. It is scarcely probable, that I would have been willing, to divert Power's attention, for a moment, from the prosecution of those projects, to employ him on a subordinate, private, service, if I really had that deep stake in the conspiracy, which Power now ascribes to me; and the humble office, which Power was thus ready to take upon himself, for a few hundred dollars, as a pursuer of the runaway Newman, does not well comport with the importance of his character, and the value of his time, when considered as the special and favoured emissary, and minister of those vast political schemes, by which a great empire was so speedily to be dismembered.

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The narrative and deposition of Power, respecting his first mission, having been thus noticed, I now proceed to examine his report to Governor Gayoso, dated 5th December, 1797,* containing an account of his third and last mission to me, at Detroit, in August, 1797,—and referring to the instructions of the Baron de Carondelet,† of the 26th of May of the same year, in obedience to which this mission had been undertaken.

I think, I shall be able to demonstrate, that this report as far as it relates to myself, is not authentic; and I shall draw from it some irresistible inferences, against the general credibility of Power's depositions.

It may be proper to satisfy the court, of what were the real purposes of this mission; and I shall endeavour to do this in few words, without again reading over, all the papers relative to this point.

By a reference to the documents, in the third report of the committee of congress, from page 93 to 110, inclusive, it will be found, if confidence can be placed in any report from Thomas Power, that the Spanish Governor, was labouring to prevent the treaty, between the United States and his Catholic Majesty, from being carried into effect; and was devising various impediments and delays, to prevent the fortifications at Walnut Hills and Natchez, from being taken possession of by Captain Guion, who, I had detached for that purpose, with 250 men from the army under my command.

Baron de Carondelet's letter to General Wilkinson, May 29th,

This was the object for which Power was sent to me at Detroit, as the bearer of a public despatch‡ from the Baron de Carondelet, dated New Orleans, May 29th, 1797; to which I returned an answer,§ by Power, dated

* See Appendix, No. XLV.—First Report Committee of Congress, Mr. Butler chairman, page 79.

† See Appendix, No. XLVI.—First Report Committee of Congress, Mr. Butler chairman, page 108.

‡ See Appendix, No. XLVII.—Third Report Committee of Congress, Mr. Bacon chairman, page 93.

§ See Appendix, No. XLVIII.—Third Report Committee of Congress, Mr. Bacon chairman, page 95.

Detroit, September 4th, 1797, the receipt of which is acknowledged in another letter* from Gayoso, as the successor of Carondelet, dated New Orleans, January 8th, 1798.

1797. General Wilkinson's answer Sept. 4th, 1797. Gayoso's reply, Jan. 8th, 1798.

It will appear from these letters, that the mission upon which Power had been sent, entirely failed in the attainment of its object, and that I insisted on Captain Guion's obtaining possession, of the posts of Walnut Hills and Natchez, according to the stipulation of the treaty, in opposition to all the pretexts urged by the Spanish governor.

Wilkinson's letter to the Governor-general of Louisiana, 10th Dec. 1797. Gayoso's answer, March 30th, 1798.

It will further appear, from a letter,† dated Pittsburgh, December 10th, 1797, which I addressed to the Governor-general of Louisiana, by Major Freeman, that I not only insisted upon a faithful compliance with the treaty, but I interposed, with prompt and vigorous remonstrances, against the practices of certain agents of the Spanish government, or its officers, calculated to embroil the peace of the United States, with the Indian nations within our limits; and it will be also seen, by a long letter of apology‡ from Gayoso, dated New Orleans, March the 30th, 1798, that my remonstrances produced a happy and decisive effect.

All these communications, with the facts that attended, and the consequences which followed them, have been omitted in Power's narrative; because he was well aware, that by unfolding the real purport of his visit, and by displaying the legitimate, faithful, and vigilant conduct, which I pursued on that occasion, for the interests of my country; they would have afforded, a ready solution of every doubtful circumstance, upon which his invention has always eagerly seized, as a foundation for some marvellous tale, of plots and conspiracies.

* See Appendix, No. XLIX.—Third Report Committee of Congress, Mr. Bacon chairman, page 110.

† See Appendix, No. L.—Third Report Committee of Congress, Mr. Bacon chairman, page 98.

‡ See Appendix, No. LI.—Third Report Committee of Congress, Mr. Bacon chairman, page 103.

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His narrative, therefore, resembles some of these productions of modern fancy, in which the events and personages of real life, are so connected with scenes and incidents, created by a sportive imagination, that it is difficult to tell, what it is we are to believe, although every part of it, may be calculated to amuse.

When I found Power at Detroit, as a messenger from the Baron of Carondelet, he brought with him a letter* of introduction to me, from Andrew Ellicott, dated Natchez, June 5th, 1797, which letter, neither Power nor Ellicott, have thought it worth while to notice, in any of their affidavits.

In this letter, Mr. Ellicott apprises me, of the delays and impediments, contrived by the Spanish officers, for preventing the treaty being carried into effect, and refers me, "TO THE BEARER, MR. POWER, FOR MORE PARTICULAR INFORMATION;" to that very Power, who in a letter to the secretary of state, of the very same date, he, Andrew Ellicott, the astronomer, represents as being sent by the Baron de Carondelet, to detach the citizens of Kentucky from the union; and the same Ellicott has since solemnly affirmed, in the face of Heaven, that "POWER DID NOT KNOW, THAT HE, ELLICOTT, WAS APPRISED, OF HIS INTENDED VISIT TO ME;" and here we have another irrefragable proof, of Ellicott's horrible profligacy, of the consummate treachery of Power, towards the government he pretended to serve, and of the dark, deep, and nefarious combination, they had entered into, in concert with their compeer Daniel Clark.

In the progress of Power's narrative to Gayoso, having first given an account, of the accidents of his journey, after his departure upon his last mission, in June, 1797, and the result of his interview and conference with Sebastian, at Louisville, he proceeds to state; that it was resolved between them, that "*he should continue his journey to Detroit, where General Wilkinson was, as well to deliver the Baron's letter, as to conceal the object of his mis-*

* See page 168.

tion, and to avoid what was plotting against him (Power) at Louisville, whose inhabitants were mutinous, at his arrival in the country; and were openly threatening him."

Aware, that he was sent to me, as the bearer of a public despatch from the Baron of Carondelet, on national business; and finding it impossible to suppress this fact, altogether, Power has endeavoured to present it as a secondary object, the first being the prosecution, of the intrigues of the pretended conspiracy.

He, therefore, mentions the circumstance of his going to Detroit, to deliver me the Baron's letter, in such a manner, that the reader is left to suppose, this was a step resolved upon, in consequence of his meeting with Mr. Sebastian at Louisville; instead of being, as in truth it was, the chief object and purpose of his mission.

The correspondence, between the Spanish Governors and myself, already referred to, respecting the possession of the posts at Walnut Hills and Natchez, and the affair of Captain Guion's detachment, will shew, conclusively, the real nature of Power's business, with me at that time; but he has endeavoured to pervert it, by the dexterous turn of his pen, in the insertion of the two monosyllables, *"as well,"* thus, coupling his real errand, which was that of delivering a public despatch from the Baron of Carondelet, with certain other mysterious projects.

But, if, I was so distinguished an accomplice in those projects, how could his continuing his journey to Detroit, serve to conceal the object of his mission? which induced Mr. Sebastian and himself, to adopt that measure. To proceed openly, as he did, on such a journey, to an individual so conspicuous as the commander in chief of an army, when that individual was so much exposed to suspicion, does not appear, to have been the readiest way, "to conceal the object of his mission;" if there had indeed been any other object, but the official avowed one; nor does it well accord with his extraordinary account, of the expedient afterwards resorted to by me, to send him back under Captain Shaumburgh's escort, that he might escape an arrest as a spy.

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He states in his narrative, "*that I received him very coolly, and told him that we were both lost, without being able to derive any advantage from his journey.*" Why I should have received him so very coolly, or in what way we were both lost, does not very distinctly appear. The offence and the danger, that occasioned all this coolness towards him, and alarm on my part, are not explained by any adequate causes, consistent with the general scope of his statement; he alleges, indeed, that I told him, "*that the executive had given orders, to the Governor of the North-western Territory, to take and send him to Philadelphia; that there was no other resource for him to escape, but by permitting himself to be conducted, immediately under guard to Fort Massac, and from thence to New Madrid.*" But could it have failed to occur to Power's penetration, that this was a most superficial pretext for me to resort to? because if there existed such an order for his arrest, I should have been bound to assist in executing it; and in failure of this duty, should have made myself liable to punishment and disgrace. The idea is ludicrous.

Correspondence of General Wilkinson with T. Power, at Detroit, Sept. 1797.

At one moment, Power seems to consider this escort, as a prudent provision for his safe passport, and to save us both from being lost. At another moment, he, in his narrative, complains of it to Gayoso, "as an act of violence, *contra jus gentium*," without assigning for my conduct, any reasonable apology. He refers Gayoso to his correspondence with me on the subject, but upon this, as on other occasions, Power has not furnished a copy of the correspondence* itself, to accompany his testimony; because it would at once shew, that the terms upon which he was received by me, and the motives of my treatment of him, were entirely different, from those he has so insidiously ascribed to me.

My reasons for sending Power back, under the protection of a suitable escort, will sufficiently appear from the answer, I returned by him to the Governor-general, and

* See Appendix, No. LII.—Third Report Committee of Congress, Mr. Bacon chairman, page 85—90.

are more fully stated, in a letter to the secretary of war, to which I shall presently refer.

Power came to me as a public messenger, bringing despatches from the Spanish Governor of Louisiana, relative to the execution, of an important part of the treaty of St. Ildefonso. The business was urgent, and required an immediate answer, and to save Power, who was to be the bearer of my communication, from a recurrence of the same detention and disasters, which he complained he had experienced, on his route to me; he was sent off under charge of Captain Shaumburgh, who, should prudence warrant it, was to avail himself of the opportunity, to reconnoitre the post at New Madrid.

General Wilkinson's letter to the secretary of war, Sept. 6th, 1797, inclosing orders to Captain Z. Pike, commanding officer at Fort Massac.

I refer the court, to a particular account of the whole transaction, in a letter* addressed to the secretary of war, Mr. M'Henry, dated Detroit, September 6th, 1797, inclosing a copy of my special order, to Captain Zebulon Pike, commanding officer at Massac, for the safe conduct of Power, and to prevent the future intrusion of himself or any other person, who might be suspected, of sinister agency in the western country.

My letter also incloses, to the secretary of war, a copy of my correspondence with Power, consisting of three letters, all bearing date, Detroit, September 5th, 1797. This correspondence will shew, the importunity and intreaties of Power, to be permitted to return back, by the route of Cincinnati and Louisville;—the various pretexts of personal interests, as well as political rights, which he assigned for wishing to take that route;—his aversion to the other route, by Post Vincennes, which I had determined he should take, for reasons satisfactorily stated;—his invention of new pretences and objections, as soon as I had obviated his first difficulty, about the incapacity of his horses;—and lastly, his claim and appeal to his right, as a Spanish subject; all of which, it seems, had no other effect upon me, but to confirm my purpose. It

* See Appendix, No. LIII.—Third Report Committee of Congress, Mr. Bacon chairman, page 90—92.

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is not insinuated, that these letters are a mere contrivance, and such a suggestion is rendered altogether improbable, by the nature of their contents. If Power had found it necessary, to remove or elude suspicions, he would have been careful so to qualify his letters, as to prevent me from being personally suspected, and to clear up all doubtful and mysterious appearances, of the existence of any secret conspiracy or intrigue. Now, this is not, in fact, the style of Power's letters; for whether the suspicions against him, were well or ill founded, I think the language of his letters, obstinately insisting upon his return by a particular route; prevaricating as to his reasons for preferring that route, and endeavouring to delay his journey, was rather calculated to excite than to remove distrust. At the same time, these letters, considering the period and the circumstances, under which they were written, do afford a genuine and conclusive proof, to refute the general imputations of Power, upon my conduct, and to shew that it was pure, and independent of all foreign intrigue.

According to his own statement, Power seems to have been quite disappointed, in the sinister objects of his last mission. Having been directed, as he pretends, in the instructions* of the Baron de Carondelet, to penetrate my dispositions, and those of the army generally, and being, as it would seem, disappointed in his hopes of success; he revenges himself, by representing my influence, to have become very limited in Kentucky, and seems to be in no better humour, with the great body of the officers of the army, under my command.

Power has related the result of his conference with me, in very particular terms, by which it appears, that although I had now determined, to break off all connexion and correspondence, in cypher, with the Spanish government; yet, I did not hesitate to give him, this most comforting assurance, to carry to the Governor his master,† "*that withal the Governor ought not to be apprehensive, of*

* See Appendix, No. XLVI. † See Appendix, No. LIV.

his (Wilkinson's) abusing the confidence, which he (the Governor) had placed in him." CHAP. VI.

Among the many wonderful things in Power's narratives, this, I think, is not the least singular, that I, who had been so long a pensioner, and a dependant of Spain, holding a Spanish commission, in the act of breaking off this connexion, should express no fears, of being myself destroyed by the government, whose service I was about to abandon; but should undertake to assure a high officer of that government, who had been privy to my corruption, that "HE *need not be apprehensive, that* I *would abuse* HIS *confidence.*" I do not supplicate for myself, that *I*, who had received the wages of iniquity, might not be destroyed; but am only anxious, to comfort the Governor, who had been instrumental in corrupting me, with an assurance that *I* would not betray HIM.

This answer of mine, however, is not more extraordinary, than a part of the instructions from Carondelet, under which Power affects to have acted. Will the court be so obliging, as to turn to the following passage in those instructions:

"**You will endeavour to discover, with your natural penetration, the General's dispositions: I doubt that a person, of his character would prefer, through vanity, the advantage of commanding the army of the Atlantic states, to that of being the founder, the liberator, the Washington of the western states,*" &c. &c. THE COURT WILL PLEASE TO RECOLLECT, THAT THESE INSTRUCTIONS PURPORT TO HAVE BEEN WRITTEN, ON THE 26TH OF MAY, 1797. IT WILL ALSO BE RECOLLECTED, THAT I AM CHARGED, WITH HAVING BEEN A PENSIONER OF SPAIN, FROM THE YEAR 1789 TO 1804 INCLUSIVE. IT WILL BE FURTHER REMEMBERED, THAT POWER HAS SWORN, THAT I WAS A SPANISH OFFICER, ONE OF THE FIRST AND MOST CONSPICUOUS OF THE ASSOCIATES, IN THE PLOT OF A SPANISH CONSPIRACY; AND THAT HE HAD, HIMSELF, DELIVERED TO MY AGENT, $9000, ON ACCOUNT OF MY PEN-

* See Appendix, No. XLVI.

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SION, IN JUNE, 1796, ABOUT A TWELVEMONTH BEFORE THE DATE OF CARONDELET'S INSTRUCTIONS.

CAN IT NOW BE NECESSARY FOR ME, GENTLEMEN, TO SHEW THE INFERENCES WHICH THESE FACTS MUST INVOLUNTARILY FORCE UPON EVERY MIND? IS IT POSSIBLE, IF I HAD BEEN A PENSIONER OF SPAIN, FROM THE YEAR 1789, AND POWER HIMSELF HAD PAID ME $9000 IN PART OF MY PENSION, IN JUNE 1796, THAT A TWELVEMONTH AFTERWARDS, IN MAY 1797, CARONDELET WOULD HAVE THOUGHT IT NECESSARY, TO INSTRUCT POWER, TO PENETRATE INTO MY DISPOSITIONS; AND THAT, AFTER ALL THAT IS SAID TO HAVE PASSED BETWEEN US BEFORE, HE SHOULD HAVE BEEN THEN DOUBTFUL, WHETHER I WOULD NOT PREFER THE ADVANTAGE, OF COMMANDING THE ARMY, TO THAT BRILLIANT AND MAGNIFICENT PART, ALLOTTED ME IN THE WESTERN STATES; IN THE SUCCESSFUL ISSUE OF THE CONSPIRACIES, TO WHICH I HAD BEEN SO LONG PLEDGED AND DEVOTED? WOULD NOT THE RECEIPT OF PART OF MY PENSION, HAVE BEEN THE STRONGEST EVIDENCE, OF WHAT MY DISPOSITIONS WERE, INDEPENDENTLY OF ALL THOSE COMMUNICATIONS, WRITTEN AND VERBAL, OF WHICH POWER HAS GIVEN SO PARTICULAR A DETAIL? AND WOULD NOT THE BARON DE CARONDELET, HAVE BEEN PERFECTLY SATISFIED, THAT HE HAD THE BEST SECURITY FOR MY FIDELITY IN HIS OWN HANDS; THE WARRANT OF HIGH MILITARY COMMISSION, WHICH IT WAS IN HIS POWER TO HAVE REVOKED, AND THE GRANT OF A LIBERAL PENSION, WHICH IT WOULD HAVE BEEN IN HIS POWER TO WITHHOLD AT PLEASURE?

I will leave it to the reflection of your own minds, gentlemen, to dwell upon this passage. It is contained, in a body of instructions, brought forward to prove my guilt, and yet a whole volume of argument could not, I think, more effectually demonstrate my innocence: It is, indeed, altogether irresistible, especially when connected with other parts of the testimony; with the depositions

of Governor Folch and Oliver Pollock, to which I refer the court generally, as well as to the deposition of Gilbert Leonard.

Gilbert Leonard's deposition.

From the important official situation, of Mr. Leonard, under the Spanish government, which afforded him the best means of information, upon the subject matter of these charges, and from the respectable and honourable character, he has sustained through life, as has been proved to this court by Colonel Ballinger, I trust the court will pardon me for incorporating his deposition, with my defence, that it may attract all the attention, which it so highly merits.

Deposition of Gilberto Leonard.

"At the instance of A. L. Duncan esq., the counsel and friend of General James Wilkinson, and in justice to persecuted honour, I, Don Gilberto Leonard, treasurer, and acting as contador, in and for the province of West Florida, do on the Evangelists of Almighty God, declare and depose, that having contracted an intimate and friendly acquaintance with General Wilkinson, on his first visit to New Orleans, in the year of our Lord one thousand seven hundred and eighty-seven, and being among the very few of his acquaintance, who spoke the English language, and holding, also at that time, the office of secretary to the intendancy of the province of Louisiana; I was frequently called upon, as well by General Wilkinson, as the Governor-general of the province, (Miro) to translate writing, and interpret oral communications between the parties; and possessing the confidence of both, I was enabled to discover the full extent, of General Wilkinson's plans and views with the Spanish government.

"The principal object of General Wilkinson at that time, appeared to be, to open and secure a commercial intercourse, between the province of Louisiana and the state of Kentucky, where the General then resided. Mutual benefits and advantages, in a commercial point of

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view, and the best means of preserving good faith, and friendship between the two countries, formed the basis of the General's communications; and he urged it in all he said or wrote on the subject, with a manly, open, honest and patriotic zeal, for the interests of his own country. Many insurmountable difficulties, to the accomplishment of the General's wishes, presented themselves, and the result of his efforts, was *a private or particular* license, to trade with the province; limited in time, to particular articles of produce, in price and quantity. This license was renewed from time to time, until the General entered the army of the United States; from which period there existed no connexion, understanding or business between General Wilkinson and the Spanish government, other than that of bringing their concerns to a close; which had been permitted to remain open, in an unsettled state, (with a very considerable balance in favour of the General) up to the period aforesaid: and of this I am permitted to speak most positively, as every thing of a commercial nature was obliged to pass through my office.

"In my capacity as treasurer, I can speak with equal certainty, as it relates to the appropriation of public monies. In regulating the checks of office, every warrant must, by the Spanish laws, designate the particular use, to which the money is to be applied; and here I can most positively declare, that General Wilkinson never directly or indirectly, in his own name, or any of his agents, drew one dollar from the treasury department, on any other account than his commercial transactions; and that I never heard the most remote hint, from any of the officers of the government, that General Wilkinson was in the pay of the Spanish government, or that he ever received money for corrupt or treasonable purposes; but, on the contrary, they all spoke, and I believe thought of General Wilkinson, as I did, and as I still do, that he was honestly and zealously attached to the government of the United States, and as worthy of the sword he wears, as any American living. His standing with all

the characters high in office, must be conclusive to his patriotism. Can men of honour take a traitor to their bosoms? General Wilkinson was beloved and respected, by the officers of the government, and all who were honoured with an intimate acquaintance with him.

(Signed) "GILBERTO LEONARD.

"Sworn to and subscribed before me, this 27th day of August, Anno Domini, 1808.

(Signed) "WM. WIKOFF JUN.
"*Judge of the Parish of Baton Rouge.*"

"BY WILLIAM C. C. CLAIBORNE,
"*Governor of the Territory of Orleans,*
"These are to certify, that William Wikoff jun. whose name is subscribed to the instrument of writing hereunto annexed, is judge in and for the parish of Baton Rouge, and duly qualified and commissioned.
"Given under my hand and the seal of the Ter-
"ritory at New Orleans, the 28th day of No-
"vember, 1808, and in the thirty-third year of
"the independence of the United States.
(Signed) "WILLIAM C. C. CLAIBORNE."

When this deposition was made out, I had not seen Mr. Leonard for several years, nor did I know precisely where he resided. He was twelve hundred miles from me, and was a Spanish officer resident within the Spanish jurisdiction. His affidavit must, of consequence, have been given voluntarily, and without corrupt motives or sinister bias; for my life or death, my honour or disgrace, could have been a matter of no interest to him.

CHAPTER VII.

General Wilkinson's education and pursuits.—Death of Gabriel Maupin, and loss of his papers.—Reflections on Daniel Clark's deposition.—Reference to, and application of, an authentic account current, to explain the receipt of money from New Orleans.—Collins's deposition examined, and compared with General Wilkinson's letter to Adair.—Further examination of Daniel Clark's deposition; the authenticity of Gilbert Leonard's account current sustained, by his own and Nolan's letters, by Oliver Pollock's testimony, and Daniel Clark's account, of June 18th, 1799.—Nolan's letters quoted, and his character vindicated.—Isaac Briggs's second affirmation analysed, and compared with the first, reported to the House of Representatives by Mr. Butler.—General Wilkinson's letters to Thomas Power, in 1803.—Sale of Louisiana, to France, and occlusion of the commercial deposit at New Orleans.—General Wilkinson's conduct on that occasion.—The zeal displayed by Power in the service of the United States, when acting as a spy on the French and Spaniards.—Daniel Clark's extraordinary letter of February 26th, 1803.—Power accepts a warrant appointment from General Wilkinson.—His extraordinary letter of the 5th May, 1803, making reference to the French prefect Laussat.—General Wilkinson's situation at Fort Adams in Feb. 1803.—Motives of his conduct to Power, Clark, and the people of Louisiana.—Power garbles his correspondence with General Wilkinson.—Daniel Clark's letter of 29th May, 1803.—Reflections on the deposit at New Orleans.—Note to Power, respecting the occlusion of the port of New Orleans.—Extract of a letter, June 24th, 1803, from General Wilkinson to the Secretary of War.—Correspondence of General Wilkinson with William

Hulings, vice-consul of the United States at New Orleans.—Conclusion of the examination of the 1st and 2d charges.

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I HAVE now, Sir, gone through the testimony adduced against me, and shewn that the witnesses relied on to support the prosecution, are utterly unworthy of credit; and I have offered the strongest testimony, that the lapse of time, the death of the men immediately connected, in my transactions with the Spanish government, and the nature of the accusation will admit; to prove as distinctly as a negative can be proved, that I did not receive any stipend or pension from Spain. From fifteen to nineteen years have passed away, since these payments are pretended to have been made, and at this distance of time, the most inveterate prejudice, could not require of me to shew, the particular accounts for which, each specific sum was received from New Orleans; especially when the office I have filled, the duties I have performed, and the erratic life, inseparable from the functions, of the commander of the army of the United States, are taken into consideration. Besides, I am not by education or habit a merchant, and the strongest evidence of the fact, is the failure of my mercantile adventures to New Orleans, where I enjoyed greater commercial advantages, than have perhaps fallen to the lot of any man of my country. Mr. President, it is well known, I was bred to the profession of physick, and that I had commenced the practice, in the vicinity of this town; but, on the first call to arms, I abandoned every interested pursuit, and joined the standard of our country, before Boston, in 1775. It is also well known, to every person of my acquaintance, that I am not by education, habit or disposition, fitted for a dealer or trader. My mercantile business was, therefore, committed to my clerks and agents. My accounts in Kentucky were wound up, by Gabriel Maupin, my last clerk, after I had resumed the sword, and joined the army at Fort Washington. I had taken leave of trade for ever; the greater part of my books and papers, ceased of course to

General Wilkinson's education and avocations.

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Death of Gabriel Maupin; observations on the destruction of papers.

be of value to me, and were given to the rats and mice, or the waste of time, many years before my present persecutions commenced. Maupin* followed me to the army, with those of any consequence: he was killed by the Indians, near Fort Hamilton in 1793, while I was absent, and in the circumstances of his death, the loss of the papers in his possession was involved. It cannot be expected, after this explanation, that I should have preserved the whole accounts of my mercantile transactions; and it is a fact, that the great mass of my papers on this subject are destroyed; a circumstance on which Mr. Clark doubtless calculated, when in his letter to Power, he so confidently anticipated, that *my accounts could not be produced;* and they certainly hoped the destruction was total, or they would hardly have ventured, to designate by name, the persons by whom they allege the stipend was remitted to me.

Reflections on Daniel Clark's deposition, and reference to an important account.

Daniel Clark, who is the life and soul of this conspiracy against my fame, has, in his deposition, delivered to the House of Representatives, undertaken to name four several instances, wherein remittances were made, by the Spanish government, from New Orleans, on account of my imputed pension;—by Lacassagne, in 1793

* This young gentleman, descended from a respectable family in Williamsburg, Virginia, joined me in Kentucky, and continued in my employ several years; he followed me to the Indian war in 1792, and was appointed an assistant quarter-master to the garrison of Fort Hamilton. Returning from a visit to the encampment of a detachment, a few miles in advance of that post, he was ambuscaded by a scout of the enemy, fired on and mortally wounded; being mounted, he kept his seat until he reached his quarters, where he expired a few hours after. I had been absent from the army a few days, and did not return for a fortnight, at which time, by the changes of the garrison of the place, (it being a thoroughfare to the frontier post) and the inattention of the proper officers, not only all the effects of the unfortunate Maupin, but my papers in his possession, were either lost or destroyed. Amiable young man! adorned with all the mild virtues of the human heart! yet active, enterprising, constant and courageous; he was cut off in the bud of youth, but fell in the service of his country, and as his life was irreproachable, so his memory will be respected.

or 1794—by Owen, in 1794—by Collins, in 1794—and by Power, in 1796; and the subornations of Clark, and the perjuries of Langlois and Power, have been employed to give strength, and gain belief, to the deposition of Mr. Clark. In these depositions, falsehood and truth are mingled with so much ingenuity, that it is difficult to distinguish where the one begins, or the other ends; and nought but the providential preservation, of some of my accounts and letters, relative to my commercial transactions, could have enabled me fully to elucidate, the purity of my conduct. The Spanish government had bound itself to purchase my tobacco, as Mr. Clark himself proves in his memoir. Money was remitted to me for my shipments, by various opportunities, and among them, on the four occasions stated by Mr. Clark; which was as well known to him, as that most of the persons, concerned in those remittances were dead; he considered the circumstance favourable to his misrepresentations, and he embraced it; but most fortunately for me, the particular account* of that period is preserved, and enables me to detect and expose, the machinations of the wretches who are combined against me.

This account appears to have been the last of my commercial transactions, the settlement of which was, in the first instance, delayed by the condemnation of my tobacco, which I had supposed was lost. It embraces, as the court will perceive, certain commercial transactions, from the year 1790 to the 4th of January, 1796. It shews, that the $4000 remitted to me by Lacassagne, was part of the proceeds of the tobacco, and not for a pension, and that it was remitted to me by Gilbert Leonard, in 1792, and not by the Spanish government, in 1793 or 1794, as Mr. Clark represents.

Receipts of money from Gilbert Leonard of New Orleans accounted for.

The money entrusted to the unfortunate Owen, is also accounted for, and shewn to be part of the proceeds of the same tobacco; and so far from being forwarded to me by the Spanish government, it was insured on my

* See page 119.

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account: I am regularly charged with the premium on the insurance, and credited with the amount insured, of which the amiable Owen was robbed.

I have already referred to the deposition of Collins, proving beyond doubt, that the money entrusted to him, was not for a pension, but on account of tobacco shipped by me to New Orleans; and the money forwarded by him in 1794, is also charged to me in the account, of which I am now speaking; with this difference only, that, in this account I am charged with $6,350 remitted by him, and he states the sum to have been $6,333; a difference probably arising from the inaccuracy of Mr. Collins's recollection, after the lapse of sixteen years. From the deposition of Collins, the court have already learned the manner, in which this money was employed by him; two or three thousand dollars, were invested in the wild speculation with M'Nair, and the balance was so far sunk, in the journey and expenses of Collins, as to leave me but $1,740, out of the whole sum; for it is to the sum forwarded by him, I evidently allude in my confidential letter* to Adair, so maliciously and scandalously contributed, to increase the mass of slanders against me; and the residue I expected to be within my controul, in six or nine months, from the sale of the lands, in which Collins had invested the money. In the letter to Adair, there is again a small difference, as to the sum received for me by Collins in New Orleans. At this distance of time, it is impossible for me to say how this inaccuracy arose;

Collins's deposition examined, and compared with General Wilkinson's letter to Adair.

* Extract of a letter from General Wilkinson to John Adair, dated August 7th, 1795, produced by D. W. Coxe, on behalf of Daniel Clark, in support of the prosecution, being the only part of the letter bearing upon the case.

"If my very unparalleled crosses and misfortunes, did not uncash me, I would be with you in flour; but as I have honour, of 6,590 dollars, received for me in New Orleans, 1740 only have reached my hands; this independent of poor Owen's loss. The whole of this sum is not lost, but it is not within my controul, and will not be for six or nine months."—First Report Committee of Congress, Mr. Butler chairman, p. 19.

but these small variations in the sum received, do not, in any degree, impair the strength of the argument derived from the account; because, whatever trifling differences are found to exist, in the sum stated by Collins, and charged in the account, in the material points there is no difference. The account states the remittance to have been made in 1794—and so does Collins in his deposition; the account states the money to be part of the proceeds of my tobacco—and so does Collins; and Clark's testimony, on which this specification is founded, expressly states the money to have been paid Collins in 1794. There is no pretence by any body, that Collins ever received, more than one sum of money for me, at New Orleans, in that or any other year; and the time when he left New Orleans, the route he took by sea to Charleston, then by land to Philadelphia, as described in his deposition, would, in the natural course of things, have brought him to me at Cincinnati, on the Ohio, a short time before the date of my letter to Adair.

Examination of Daniel Clark's deposition.

On a careful examination of Clark's deposition, it will be found, he does not swear that he knew, or that any one told him, the money sent by Lacassagne, or Collins, was on account of a pension, or, even, that it was received from the Spanish government. The deposition is obviously penned, with great caution and precision, and, while to the cursory reader, he most *strongly conveys the impression*, that the money sent by Lacassagne and Collins, was from the Spanish government, and for a pension, he carefully avoids *saying so.* But in the case of Owen, he ventures to speak out, and swears that the money sent by him was for my pension, and that of others, as he was particularly informed, by the officers of the Spanish government. The reason of this difference, in Mr. Clark's testimony, is easily accounted for. Collins was alive, and might appear to convict him of falsehood, and as Lacassagne had resided in the Indiana Territory, it is probable he did not know of his death. He was regardless of the obligations of conscience, but he was not willing to hazard disgrace, and infamous punishment.

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Yet, in the case of poor Owen, it was known that he was murdered, and that his crew, who had perpetrated the murder, were dispersed; no one concerned in that expedition, could ever appear to give testimony, of its true nature and object: and Mr. Clark, therefore, supposed he might use the name of Owen, without hazard of detection, and hence the confidence, with which he speaks about him. It is for this reason, that the remittance of the money by him, is selected as the most safe and convenient occasion, for misrepresentation and perjury, and is pressed with more earnestness than the others. Langlois, whose testimony was procured, in the manner I have shewn, in a former part of my defence, is made to give evidence to this point, and Power, who always stands ready to back, by his oath, the wishes of his employer, in his deposition, has endeavoured to support the oath of his patron. But the preservation of this account, has enabled me to expose their falsehoods, and to add another proof, to the numberless instances of perjury and forgery, in which my accusers have already been detected.

The character and dispositions of Power, enable us, at once, to perceive why the remittance by him has been selected and insisted on, as the fourth and last occasion, in which a pension was paid me. After all that the court have seen and heard, of the shocking depravity of this man, as the remittance of $9000 by him, rests on his own credibility alone, I might feel perfectly confident, that it would not gain belief, and that I could, with entire safety, pass by it unnoticed. But, gentlemen, I disdain any defence not founded in truth, and I should feel humiliated and disgraced, by an acquittal grounded on mistake, or occasioned by any concealment on my part. It appears, in the account referred to, that I am charged with $9000, paid by Gilbert Leonard to my agent Nolan, Jan. 4th, 1796. The letter of Mr. Nolan, inclosing me this account, is dated Jan. 6th, 1796, and in this letter he informs me that, "*being occupied with the horses left at Natchez, he did not mean to bring me the money himself, but to forward it by the Mississippi, to avoid the dangers of*

the sea." And it appears by another letter* to me, of April 24th, 1797, that the money was remitted, in the spring of 1796; for he mentions that Gilbert Leonard had told him the day before, that I had not acknowledged the receipt of the money, he had remitted me by him the preceding spring. This letter bears the date of the month only, but, that it must have been in 1797, is placed beyond question by that part of it, in which he speaks of the Governor's not delivering the posts, and of Ellicott being at Natchez; for it was in the spring of 1797, that these events took place, as is proved by the correspondence, between the Baron Carondelet and myself on that subject, in evidence before the court. And the letter of Gilbert Leonard to me, written April 1st, 1797, about three weeks before the letter of Nolan, shews it was of this same sum of $9000, he had spoken to Nolan, and his letter contains the same observation respecting my receipt. Nolan having received this money for me, and being engaged, as I have already shewn by his letter, with a number of unbroken horses from the wilds of the Spanish province of Texhas, could not conveniently attend to its conveyance up the Mississippi, and, in truth, although he and Leonard both speak of the money being sent by him, it is manifest they mean nothing more, than that the money was paid to him in New Orleans, to be forwarded to me in the manner he should judge most proper. It is not pretended that he accompanied the money

* Extract of a letter from Philip Nolan to General Wilkinson, dated New Orleans, 24 April, 1797.

"The Governor has had intelligence, that the British intend passing through the American territory, to attack the Illinois, and this he makes a pretext for not delivering the posts or running the line.

"Gilbert Leonard has wrote you several letters, and yesterday he told me, you had not acknowledged the receipt of the money remitted by me to you last spring. I wished to procure you the balance, and to remit it, by this conveyance, but the danger of seizure here, and of privateers, is so great, that Gilbert persuaded me from it; he writes to you by this opportunity."—Third Report Committee of Congress, Mr. Bacon chairman, page 60.

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P. Nolan noticed, and the manner in which he had $9000 conveyed from New Orleans to Louisville for General Wilkinson.

to New Madrid, for in his letter* to me from Frankfort, dated June 10th, 1796, in evidence before this court, he makes mention of his 250 horses, informs me he had sold part of them at Natchez, and had arrived at Frankfort with forty-two head, the day before he wrote to me. He, therefore, did not ascend the Mississippi in person, and occupied as he was, with so many wild horses, he could not have brought with safety and convenience, the $9000 received for me, through the wilderness. He, therefore, forwarded them to New Madrid, by water, agreeably to his assurance to me.

When Mr. Nolan was advised of the arrival of this money at New Madrid, it became necessary some person should be employed, to convey it up the Ohio, as his horses occupied his whole time, and prevented his absence from Kentucky; in this situation he accidentally fell in with Power, who, as we have already seen, left Greenville the 8th of June, on his route to the Mississippi, in quest of Newman, and prevailed on him, to suspend his pursuit of Newman, and proceed to New Madrid for the money deposited at that place; warned by the murder of the ill-fated Owen, Power packed his treasure, in casks of sugar and coffee, as well to conceal it from his crew, as to protect it against the cupidity, of the hunters and other erratics, who, at that time, roamed the solitary shores of the Ohio, below Green River; and delivered his charge in safety to Nolan, at Louisville, in September, 1796, who rewarded him for this service.

That Power was thus employed, and conveyed the money in the manner I have described, I was informed by Mr. Nolan at the time, and his truth and integrity has escaped the slanderous tongue and pen, even, of Andrew Ellicott. I have therefore felt it due to truth, to make this explanation, and so far as relates to his bringing $9000, from New Madrid to Louisville, concealed in casks of sugar and coffee, and delivering them to Nolan, Power's

* See Appendix, No. LV.

statement is I believe correct; the rest of his exhibitions, as far as they relate to me, and tend to affect my honour, are perjuries or forgeries; and Power, who was found so ready to testify for Clark, in the case of Owen, who is dead, could hardly be expected to resist the temptations of his patron, in his own case, when the death of Nolan seemed to leave him equally free, from the danger of detection. The accounts and letters, to which I have referred, have enabled me to develope and explain, the true nature of this transaction, very contrary, I am sure, to the hopes and expectations, of Power and his employer.

If I am asked why, after the search by Lieutenant Steel, and the noise it made, I omitted to make the present explanation? I answer, that feeling deeply the indignity so unexpectedly offered to me, in the face of the world, by my commanding officer, (for the search was known to be levelled at me, as is unequivocally proved by Elisha Winter, *) I was too proud in conscious innocence, to stoop to an explanation with him, and waited in silence until he should bring his charges, —well knowing that, as the witnesses were then all living, I should be able to confound accusation by my proofs, and enjoy the triumph. That these were the motives of my conduct on that occasion, I have established by the testimony of that highly respectable citizen, Major James Morrison of Kentucky. In his deposition, taken by consent of the Judge Advocate, he refers particularly, for his answer to the 19th interrogatory, to an affidavit before given; which affidavit, thus identified and verified, has been read to this court, and is in the following words:

Major James Morrison's testimony.

Extract from the affidavit of Major James Morrison, dated Jan. 16th, 1811. "*In the month of Sept. 1796, private business carried me to Cincinnati, on the Ohio, at that time the residence of General James Wilkinson. Having served with him in the army which captured General Bur-*

* See Appendix, No. XXXV.

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goyne, and residing in that part of Kentucky from which he, General Wilkinson, had removed, when he joined the army, in 1792, it laid the foundation of that familiarity, which induced me to call on him whenever I visited Cincinnati, to pay my respects to him, not only as commanding officer, but as a gentleman, towards whom I entertained friendly sentiments. I had long known that General Wayne and General Wilkinson were on bad terms, the latter considered himself ill used; and frequently had mentioned instances of General Wayne's conduct towards him, which he thought hostile and unjustifiable.

"During the conversation which took place at the period first mentioned, (1796) *the General adverted particularly to the recent attempt that had been made, to seize the money which had been brought up the river by Thomas Power. He went on to observe in substance as follows: That it was hard, indeed, he could not receive money due him, for old commercial transactions, without exciting so much enquiry; that he had received money on that account, and expected to receive more; that had General Wayne called on him, and required an explanation of the circumstances, he would have given it with much pleasure; but as he had adopted a different course, he would now take no pains to satisfy him. This conversation did not appear confidential, but rather designed to obviate any unfavourable impressions, which might have been made by General Wayne's proceedings. And I have frequently mentioned its purport, and particularly since his having received money from the Spanish government, has been so much the topic of conversation and animadversion. Having been called upon by General Wilkinson as above, I feel it my duty to render my testimony of a fact, without enquiry into its relevancy or importance. To preclude misconstruction, I deem it proper to add, that having for some years heard many charges against, and vindications of the General's conduct, I know nothing personally, so far as I can now judge, which appertains either to his accusation or innocence."* Shortly after the period of which I am now speaking, the hand of death put an

end to the unfortunate dissentions, between General Wayne and myself, and the remembrance of injury died with him.

There is one item in this account which requires explanation; that is, the sum of six thousand dollars allowed to me on account of loss, on the adventure of the Speedwell. The fact, gentlemen, is this, the adventure by this boat, was made at the particular instance, of Don Estevan Miro, Governor of Louisiana, to ascertain the practicability of a commercial intercourse between New Orleans and the Ohio, from which he had been led to believe, great advantages might be derived, as one mean to effect his general concession of commerce, to the people of Kentucky. It has been seen that this adventure, was an unprosperous one, and on re-visiting New Orleans in 1789, to the Governor's enquiries on the subject of the enterprise; I replied that it had turned out, an unfortunate experiment, owing to the misconduct of the patroon* and crew; as by their dilatory conduct, the boat had been frozen up in the Ohio during the winter; and I added, that as the voyage had been undertaken on public principles, I thought I ought to be reimbursed. He desired me to state my damages, with the assurance that he would have me reimbursed, if in his power; and I availed myself of his proposition, to make a liberal statement, to cover losses, expenses, and trouble. I cannot, at this time, charge my mind with the precise sum, but I was informed, afterwards, that this sum of $6,121, was carried to my credit on that account. Of the means employed, or the manner adopted to effect this credit, I have no knowledge.

Adventure of the Speedwell, the first boat of trade from New Orleans to Kentucky, 1788.

Mr. President, I close my observations on the account of Gilbert Leonard. It was furnished more than fifteen years ago, when the present accusations, surely were not foreseen nor suspected; and yet the account proves, that every sum I am charged with having received as a pension, was paid me, on a fair and honourable mercantile

Observations on Gilbert Leonard's account, and the preservation of it and other papers.

* Used by the French and Spaniards for "pilot."

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transaction. But it may be enquired why this particular account was so carefully preserved? The answer is a simple one.—My commercial business in Kentucky, ceased in the year 1791, when I resumed the sword; and this account appears to have been made out, by my agent Nolan, and Gilbert Leonard in New Orleans, in the year 1796; a copy of it was transmitted to me by the former, and was preserved, by being thrown among my military papers, in the same manner, that my correspondence with Power, at Cincinnati in 1795, at Greenville in 1796, and at Detroit in 1797, had been saved from destruction.

This account is proved to be in the hand writing of Philip Nolan, it was enclosed and referred to in a letter, proved, likewise, to be in his hand writing, dated in January 1796; in which, he informs me, he incloses a copy of the original account, and mentions the balance due to me;—and the authenticity of this letter is again confirmed, by the letter* of Gilbert Leonard, in 1797, referring to the same circumstances mentioned in the letter of Nolan. And the motives for secresy, among the Spanish officers, in monied transactions, are disclosed in this letter of Mr. Leonard; not from any tenderness to me, or on my account, but merely to shield himself from punishment, he anxiously and earnestly entreats me to be secret: it was of the first importance to him, but it was a matter of indifference to me, except on his behalf. On the face of the account which I have presented, and from the letter of Nolan, it appears that this account closed the commercial transactions between Governor Miro and myself, and these evidences are supported by the depositions† of Oliver Pollock, and Elisha Winter,‡ which proves my connexion in trade, with that gentleman. Indeed, I derive additional proof of the authenticity of this fact, from Mr. Clark himself, for it appears in the follow-

The authenticity of Gilbert Leonard's account, sustained.

* See Appendix, No. LVI.

† See Appendix, No. I. ‡ See Appendix, No. XXXV.

Clark's account of the 18th June, 1799.

ing account,* settled with me, in 1799, that he adjusted Beauregard's claim against me, to which the letters of Nolan and Leonard both make reference; I strengthen still more the proofs, of the authenticity of this account, when I shew, by the testimony of Mr. Pollock, that I had a large quantity of tobacco, condemned in 1790, corresponding with the statement in the account.

* "*Brigadier-general James Wilkinson to Daniel Clark junior. DR.*

		Dolls.	*bits.*
1798.			
Nov. 21,	To sundries forwarded by his order	1,800	5½
28,	To ditto delivered by D. C. jun. at Clarksville	438	
Dec. 17,	To Cash by Mombrien	10,000	
	To one quarter cask Sherry	64	
	To one cask Porter	30	
	To a parcel of Violin Strings	7	6½
1799.			
Jan. 11,	To Cash by Mr. Hunt	10,000	
April 11,	Paid his order favour Brooks	600	
29,	Paid Captain Guion's order favour Captain Shaumburgh	580	4
	Paid his own draft favour J. Collins	1,206	
	Paid favour Whitestone	892	
	Paid Eli Beauregard	2,100	
	One barrel Pacans and four iron bound Kegs	18	
	Paid Captain Guion's order in favour of Ensign Scott	100	
	Paid ditto two orders favour Wm. Simpson	234	4
	Acquittance of Beauregard's claim	4	4
	To Cash paid him by Lieutenant Butler	212	
	To ditto paid Major Lovel	750	
	To ditto paid his order Ensign Glen	60	
	To ditto paid Captain Guion's order favour Eastin	162	4
	Dolls.	29,260	3

"*New Orleans, June 18th,* 1799.

"Received the amount of the within account in full. New Orleans, 20th June, 1799.

"DANIEL CLARK JUN."

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Philip Nolan was killed by the Spaniards, in the province of Texhas, in the year 1800; and as there then was no prosecution pending, or charges made against me, he could have no inducement to fabricate these letters and accounts, even if any motive could have induced, his honourable heart, to yield to an impulse of baseness and falsehood. He has indeed been represented as my agent in my imputed treacherous intrigues, with the Spanish government, at New Orleans. The grave is no security from slander, no protection to the purest character. He was indeed my agent; but it was in fair commercial transactions: This is abundantly proved, by the letters of Nolan from 1791 to 1796; and even Daniel Clark himself, has furnished proof of this, by producing my letter* of May 20th, 1790, to Clark and Rees. This letter shews, that Nolan was appointed my agent, as early as the year 1790, and accounts for the papers, relative to my subsequent transactions, passing through his hands. By furnishing this evidence, Mr. Clark HAS CONVICTED HIMSELF OF ANOTHER FALSEHOOD IN HIS DEPOSITION, where he swears, that during the period of the remittances by Lacassagne, Owen, Collins and Power, which took place in 1792, 1794, and 1796, "HE WAS THE AGENT OF THE HOUSE WHO WERE MY CONSIGNEES AT NEW ORLEANS;"—because this very letter, produced by himself, proves that Nolan was constituted my agent in 1790,—from which it follows, that the accounts of Clark and Rees, even if truly stated, by Mr. Clark, have nothing to do with this enquiry, as their agency ceased when Nolan was appointed. Nolan's letter of April 6th, 1791, submitted to the court, shews that considerable shipments were made by me to New Orleans in that year, and placed under his direction; and that he was actually purchasing in New Orleans, a considerable quantity of tobacco, on my account; the agency of Clark and Rees having terminated in 1789.

Daniel Clark perjured.

* See Appendix, No. LVII.—First Report of Committee of Congress, Mr. Butler chairman, page 191.

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The character of Nolan, given by Colonel Ballinger, a witness on the part of the prosecution, ought to place him above the suspicion of corruption, and the letters he has left behind him, which are in evidence before this court, refute and put to shame the calumniators, who are seeking to mangle his reputation, when he no longer lives to defend it. These letters all shew, that his pursuits were honest, and his heart patriotic, for in his letter of June 10th, 1796, he says, "*I flatter myself, my dear General, you have put the most favourable construction, upon my silence; the friend and protector of my youth, I can never forget; but ungenerously suspected for a spy by the Mexicans, and even by your old friend Gayoso, I cautiously denied myself the pleasure of addressing you;—a letter from a trader in horses,* to a General of the Federal armies, would have confirmed suspicions that were nearly fatal to me; arrived at length in the land of liberty, I feel a pleasure *in giving you, the earliest testimony of my affectionate remembrance;*" and in his letter, dated Natchez, July 21st, 1797, when just about returning to the Mexican provinces, he says, "*Blue eye, no doubt, has already made you acquainted with Gayoso: he is a vile man,* and my implacable enemy, yet he treats me with attention. During the commotions here, he wrote to the Baron, requesting that he would not permit me to leave Orleans,—* HE WILL TAKE AN ACTIVE PART AGAINST US; HE IS POPULAR AND ENTERPRISING; SECURE HIM—*Under the same cover he subscribed himself my friend, and but a few days before, made me a present of a sextant. The Baron knows him, and has done all in his power, to secure me from his vengeance. I have, however, my fears, and I may yet be obliged to shoot the monster with a poisoned arrow.*" In the same letter, he (Nolan) adds, "*will we have a war? at all events I can cut my way back, and*

Nolan vindicated, and his letters quoted.

* Whatever may have been the causes of Mr. Nolan's hostility to Governor Gayoso, it is my duty to render justice to the dead, by remarking, that the Governor, who had received his education in England, was the polished gentleman, familiar in his manners, accessible to all, warm in his attachments, and of boundless generosity.

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you may calculate on me." And in the letter of April 24th, in the same year, when preparing to set out on this expedition, he tells me of his preparations, for taking a map of the country he was about to visit, and the deposition* of S. P. Moore proves, that the information he might collect was intended, for the benefit of the government of the United States, in the event of a war with the Spaniards.

Such, Mr. President, are the conclusive proofs of the uprightness and integrity of Nolan's disposition. And if he was tutored by me, and had fashioned his principles in imitation of mine, a better proof of my own integrity, could not be offered, than the zealous patriotism, displayed by this young man; In his correspondence with me, every thing is American,—Nothing is Spanish; and yet this is the man, represented as my confidential agent, in my corrupt intrigues with the Spaniards!—The man, whom Power has dared to swear, received for me the wages of corruption, and who furnished him, with the forged instructions, he has produced before the court. In this place, it may be proper to notice a singular error, which has found its way into Mr. Bacon's report, page 61, where we perceive in the extract of Nolan's letter to myself, dated July 21st, 1797, the words "*United States*" are recorded instead of the word "*us*," which confounds the sense of a quotation, from a letter of Gayoso to Carondelet, but I do not ascribe this error to Mr. Bacon.

Isaac Briggs's affirmation examined.

In examining the volume of testimony adduced to support the two first charges, I have omitted to notice particularly, the statement contained in Isaac Briggs's affirmation,† which relates to the report he had heard, of ten thousand dollars having been paid me, by the Spanish government, at New Orleans in 1804, and the conversation which Mr. Briggs says, passed between us, on that subject, in October, 1806, at Washington, Mississippi Territory.

* See Appendix, No. III.

† See Appendix, No. LVIII.—First Report Committee of Congress, Mr. Butler chairman, page 77.

Though I certainly have not the slightest recollection, of this conversation, as stated by Mr. Briggs, yet it is not my wish, nor is at all necessary, to impute any wilful misrepresentation to him. Mr. Briggs says, that his statement is from memory, after a lapse of three or four years, from October, 1806, when the conversation passed, to April, 1810, when his affirmation is dated; that he preserved no note nor memorandum of it, and in his second deposition,* dated January 9th, 1811, in answer to the eighth interrogatory, he acknowledges, "*he is not certain he has stated, expressly the words employed by me.*" It is possible, that in reference to former mercantile transactions, I may have observed to Mr. Briggs, that I had received money from the Spanish government, on that account, which had been since construed into a pension; and he may have considered this general observation, as applied in answer, to the particular report, he had mentioned to me, about the ten thousand dollars. Or else, if Mr. Briggs is not mistaken, as to the purport of the conversation, it must have been altogether jocular on my part, as he seems himself inclined to admit, in his answer to the seventh interrogatory, in his second affirmation, before referred to. In the same affirmation, Mr. Briggs has declared to the great vivacity of my manner, at the beginning of the conversation, when I observed, at the first moment of meeting him, "*It must appear strange to you, friend Briggs, that I, a Spanish officer, am now on my way to fight the Spaniards, should they not retire.*" Unless my accusers construe this gaiety into a serious confession, that I am actually a Spanish officer, *it will sufficiently shew, the lively humour and raillery with which the conversation commenced, and the jocose levity with which any expressions from me, at that time, must have been intended to be used*, and ought to have been received. The most credulous will hardly suppose, that, at such a moment, when I was about to lead a detachment of our troops to oppose and fight the Spaniards, if necessary, I

* See Appendix, No. LIX.—Third Report of the Committee of Congress, Mr. Bacon chairman, page 274.

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could have intended, by my own acknowledgments, to have given countenance to the rumour, then industriously propagated, of my being a Spanish officer and pensioner; and the most prejudiced cannot deny me, the benefit of that just rule of construction, in relation to evidence, derived from the ackowledgments of a party, which decides that you are to take, what he says altogether, and not convict him, by perverting one part of his declarations, and suppressing or excluding another. If, therefore, Mr. Briggs is not, altogether, inaccurate in his recollection, as any man might well be, in detailing the particulars of a conversation, not personally interesting to himself, three or four years after it occurred, without ascribing any improper motive to him, it may be only necessary to remark, that his own statements connected, are a sufficient answer to any unfavourable inferences against me, which might be drawn from a partial view of them; because the natural conclusion would be, that if I did admit the receipt of the money, I explained, at the same time, the account on which it had been received. But I repeat, that if such an expression did escape me, it must have been altogether jocular. The facts, necessarily, forbid any other conclusion; nor is there the least impression on my mind, of the circumstances related by Mr. Briggs. I mean not to impeach his credibility, but, it is evident, his MEMORY is not to be relied upon, as ENTIRELY CORRECT; because he is, certainly, mistaken, as to the time of the conversation, which he states, to have occurred about the beginning of the tenth month, that is, in October, 1806, at Washington in the Mississippi Territory. From my communications to the War Department*, dated at Natchez, September 8th, 1806, and my letters to the Spanish governor Cordero, dated Natchitoches, September 24th, 1806, and October 8th, 1806, and at Camp Potrero, October 29th, and October 30th, 1806,† it is manifest, that at the time Mr. Briggs speaks

* See Appendix, No. LX.

† See Third Report Committee of Congress, Mr. Bacon chairman, p. 378. 384. 396. 399.

of, I must have been, *at least, an hundred leagues distant, from Washington in the Mississippi Territory, which is the place he has assigned for our interview.*

Arbitrary conduct of Committees of Congress exposed.

It appears from Mr. Briggs's second affirmation, that at the time he affirmed before the CONCLAVE,* of which Mr. Butler was chairman, he very fairly, and properly communicated to them, the explanations, which he afterwards stated to the committee, of which Mr. Bacon was chairman. But it seems the first committee, omitted these explanations, for the CHARITABLE purpose, I presume, of presenting Mr. Briggs's evidence, in the strongest, and most unfavourable light, to the officer whom they sought to destroy. Of the injustice of this and similar conduct, of certain committees of the eleventh Congress of the United States, I forbear to express what my feelings dictate, and my wrongs would justify. The world has witnessed it, and I leave it *to the justice of the nation to apply the proper comments.*

The malicious delight, with which every circumstance has been seized upon, however light or contemptible, that could excite surmises against me, cannot have escaped the attention of this court. Suspicion, gentlemen, has been ever the favourite weapon, employed by my accusers and their auxiliaries, to harass my life and destroy my character: whether the same weapon has not been used, with all possible dexterity, against me, pending the last scene of my sufferings, you, gentlemen, can best determine.

* This committee, as well as that of which the honourable Thomas Newton was chairman, sat in conclave, and the officer, whose destruction the honourable chairman sought with ardent zeal, was not permitted to confront his accusers. Such treatment of a subject in England, would be deemed tyrannic, in France it would be called despotic, and in Spain inquisitorial; but under the free government, which I contended, at every peril, to establish, and to which my life has been devoted, the exercise of such high-handed authority, to stab the honour of a citizen, dearer to him than life, is very calmly declared to be a parliamentary prerogative, one of the indefeasible attributes, of the House of Representatives of the Congress of the United States.

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General Wilkinson's letters to Thomas Power, in 1803.

With the double view, of enhancing his own credit, by testimonials from my hand, and, at the same time, to spread doubts and suspicions, upon the records of the court, Power has produced here, several of my letters to him, dated 1803, which, being highly confidential, full of amicable professions, and bearing directly upon certain political objects, of great interest to the United States, very naturally, at first sight, produce impressions unfavourable to me; but, when connected with his letters to me, and with the time and circumstances, and the motives under which, it is manifest, this correspondence took place, they will furnish another evidence, of my patriotism, my vigilance, and zeal in the public service.

Sale of Louisiana to France, and occlusion of the depot at New Orleans.

The deliberations of our public councils, in 1803, will best pourtray the political agitations which were excited, by the sale of Louisiana to the French republic, and the occlusion of the depot at New Orleans: the first incident occasioned serious inquietude; but the last act, being a violation of treaty and a breach of faith, roused a degree of indignation, which menaced war and would have produced it, if a change of circumstances had not speedily intervened.

At this interesting epoch, I was engaged on the establishment of a boundary line, between the Choctaw Indians, and the inhabitants of the Mississippi territory;—a difficult and laborious work, by which I saved fifty or sixty thousand dollars, to the public. The intelligence of this interdiction of our trade, was transmitted to me, in the wilderness, and caused me to redouble my exertions, that I might reach Fort Adams, the national barrier on the Mississippi, as speedily as possible; but I did not delay a moment, to exert my best faculties and my utmost influence, to have the deposit restored. I accordingly wrote from the Homo Chitto,* about the 16th of January, 1803, to every character in New Orleans, who, I believed, possessed weight, and was well disposed

General Wilkinson's conduct on the occasion.

* A large water course, which empties into the Mississippi just above Fort Adams.

to the United States, or might be induced to dread the effects of the continued occlusion of the depot; and sent a confidential agent, Captain Shaumburgh, properly instructed, to that city.

Motives for employing Thomas Power explained.

Power was among the number, whom I addressed at that critical and interesting moment. I had not seen or heard of him, since the year 1798, when acting in a public capacity, with the Spanish commission on the line of demarcation; at which time, he professed great admiration of the government of the United States, and much devotion to myself: it is true, Mr. Ellicott informed me, he was my secret enemy, but he had given me no cause at that time, to suspect him of duplicity, and I had no reason to fear his resentment. I knew him to be a good interpreter, that he possessed capacity, understood characters, and might be useful to my agent, in promoting the objects of his mission to New Orleans, and therefore I wrote to him.

But it has been explained in the preceding part of this defence, how I first became acquainted with Power, and the progress of his intercourse with me; in which it has been clearly demonstrated, as far as a negative can be proved, that intrigue or corruption had no share.

It has also been seen, that Power was employed by Nolan, in 1796, to convey from New Madrid to Louisville, the sum of $9000, due me on a commercial account, as is proved, and explained, to the court; which had been transmitted from New Orleans; and that he had performed this service with fidelity and care.

It has further appeared, that about the same period, Power had been employed, and paid by me, to procure the deposition of the fugitive Newman, under circumstances before stated to the court; and in this service he had also acquitted himself faithfully, and successfully, by sending me Newman's deposition, in an authentic form, taken in February, 1797, in Power's own hand writing, now in my possession.

These services had impressed me favourably towards Mr. Power, and, certainly, gave him a claim to my good

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will; and I mention them, to excuse my intimacy with a man, who has turned out so contrary to my expectations.

But while thus volunteering my best exertions, to open the port of New Orleans, I was promoting another object of importance to the public, and also foreign to my professional duties; this was to procure a transcript from the land records, which had been carried away by the Spaniards, from the district of Natchez; and I made this the ostensible motive, for sending Captain Shaumburgh to New Orleans. This transaction is explained, in my letter to the secretary of war, from the frontier of Georgia, dated 30th May, 1803, and his answer* of the 18th June of the same year, both submitted to the court. In this, I succeeded with the Spanish government, and Power was appointed by the Governor, to make the transcript; and hence my frequent recurrence to that subject, in my correspondence with him.

Having completed the demarcation of the Indian boundary, under extreme ill health, during an inclement season, I arrived at Fort Adams, the 27th of January, and took shelter under a roof, for the first time in six months; soon after which I received letters, from Don Andres Armesto,† the secretary of the province of Louisiana, and Thomas Power,‡ the first bearing date the 5th, and the last the 6th of February, 1803, submitted to the court; in which I am informed, that my "REMONSTRANCE THROUGH SHAUMBURGH, HAD BROUGHT THE INTENDANT TO A PAUSE, AND THAT HE HAD ISSUED A PROCLAMATION, ADMITTING FLOUR, AND ALL KINDS OF PROVISIONS TO BE INTRODUCED, ON PAYING SIX PER CENT DUTY, AND SUBJECT TO EXPORTATION IN SPANISH BOTTOMS ONLY." And thus it appears that my prompt exertions, although they did not restore the deposit, in the extent guaranteed by the treaty, produced a salutary relaxation in favour of our western trade. Yet, the violation of an essential right was still maintained, and the public clamour by no means decreased. A sense

Zeal displayed by Power in his new agency.

* See Appendix, No. LXI.
† See Appendix, No. LXII.
‡ See Appendix, No. LXIII.

of duty, directed my views to the dernier resort; my measures were correspondent, and I hastened to put my handful of troops, in the best condition to enforce* our claims, should the government think proper so to direct. But amidst these preparations, my attention was called, to a subject of a more alarming nature, by a letter from Daniel Clark, read in evidence before the court, of which the following is a faithful copy. CHAP. VII.

"*New Orleans, 26th February*, 1803.

"Sir,

"I arrived here late last night from Europe, last from Liverpool. I was in Paris till late in November, and was introduced to the commander in chief of the expedition, and to almost all the principal officers destined for this country, who may be shortly expected. The embarkation was to take place at Helveotsluys, in Holland, and was to consist of 4500 men, and an immense staff, artillery, &c. &c. Three to four hundred cavalry are to be mounted immediately on their arrival. The whole body of general officers and *employés*, who had until then remained in Paris, had set off for Holland, on the 8th December; so that, making some allowances for the time necessary to embark, you may calculate, with tolerable precision, on the time of their arrival here, as the transports, with the vessels of war, appointed to convoy them, had been, for some time, waiting the arrival of the commander in chief. I am, from my own observations, fully authorised to say, that a constant, though perhaps an indirect, system of hostility, will be pursued, respecting the United States; and I think it an indispensable duty to my country, to give you the earliest intelligence, that you may be prepared for the event; and make no doubt, but you will shortly (if not already) have advice from the seat of government, to correspond with what I now write you. I take the liberty, though it may appear presump- Daniel Clark's letter of 26th Feb. 1803.

* See Appendix, No. LVIII.—Isaac Briggs's affirmation, the report of Governor Claiborne to him, as far as respects myself, being correct.

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tuous, to recal to your mind, the situation of the garrison on the Tombecbee, and the necessity of providing it, with an ample supply of provisions, before the arrival of the French at Mobille, may render it impracticable to do it by water conveyance. Should you think it proper, be pleased to give the governor of the Mississippi territory, communication of this letter, which I should have extended by very considerable details, were I not suffering great bodily pain, in consequence of a fall from a horse yesterday, in my eagerness to get up to town. I am told, you may be daily looked for here: if I find, on enquiry, that this is not the case, I shall, in a very few days, when I am able to sit on horseback, proceed to head quarters; thinking the intelligence I can give you of sufficient importance, to cause me to undertake the journey. I had forgot to mention, that I sailed from Liverpool on the 24th December, and every thing bore a peaceable appearance in Europe.

"I remain, with respect,

"Sir,

"Your very humble servant,

(Signed) "DANIEL CLARK.

"*P. S.* General Victor is the commander in chief: he will have in his staff, no less than eight officers, of the rank of brigadier. Laussatt is prefect, and Jean Job Aimé, chief judge.

"*Brigadier-general James Wilkinson.*"

Under the circumstance of this intelligence, which apprised me of a meditated design, by a powerful nation, against the peace and interests of my country, I was bound to open every avenue of information in my power; and Thomas Power, from the avowals of his letter,* occurred to me as a fit subject for my purpose: I therefore commenced with him, the correspondence which is now quoted against me; yet it is manifest, from the whole of

* Feb. 6th, 1803.—See Appendix, No. LXIII.

his communications, that he entered with zeal into the cause of the United States, even to the acceptance, from my hands, of a warrant appointment, without pay or emoluments. From the variety of Power's information, in his agency of a spy upon his own government, I will beg leave to read the following letter, which he has acknowledged, before this court, to be correct, and, to use his express language, "HE RECOLLECTED IT AS PERFECTLY, AS IF IT HAD BEEN WRITTEN TWO MINUTES SINCE."

Thomas Power takes a warrant appointment from General Wilkinson.

Extract of a letter, in cypher, from Thomas Power, in New Orleans, to Brigadier-general James Wilkinson, at Fort Adams, dated May 5th, 1803; the material parts of which were transmitted by the General to the secretary of war, as per certificate before the court.

[Confidential.]

"THE PREFECT HAS, ON SEVERAL OCCASIONS, IN SPEAKING OF YOU, MADE USE OF VERY ILLIBERAL LANGUAGE, AND THAT, NOT IN PRIVATE, BUT IN PUBLIC AND NUMEROUS COMPANY. HE HAS SAID, AMONG OTHER THINGS, THAT YOUR CHARACTER WAS PERFECTLY WELL UNDERSTOOD IN FRANCE; *that your principles were not at all enigmatical; that you had* TRICKED *and deceived (dupé et trompé) the Spanish government. I am of the opinion, and think Bonaparte is deceiving your executive, and for the following reasons,* viz: *I know, from the best authority, that the French calculate on the assistance of ten thousand Indians, on the east side of the Mississippi, in case of a rupture with the United States; and that these are the Choctaws, principally, is to me evident from the talk, already sent to them by Mingo Pooskoos,* the little king of the Chickasaw Hay towns; and from a secret commission, (the subject of which I have not yet been able to penetrate) with which the Chevalier Villiers, is charged for this nation. He was to have set off some days ago; but, owing to I know*

Thomas Power's singular letter to General Wilkinson, May 5th, 1803, making reference to the prefect Laussatt.

* A distinguished Choctaw chief, of Chickasa-Hayè towns.

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not what circumstance, he is still here. This Villiers has been, for a long time, an Indian agent, and possesses considerable influence in the nation. It would be proper this should be communicated to Dinsmoor, who ought to be on his guard, and keep a good look out. I have no safe opportunity of corresponding with him from this place. If I happen to find out, when Villiers is to meet the Indians, you shall know. The concurrence of the above circumstances, does not leave a doubt in my mind, but that something sinister and hostile, is breeding;—if I can once lay hold of the clue, we shall easily baffle their tortuous and perfidious politics. You may rest assured, that all my discerning faculties shall be called into activity. My model† has been rather injured, and I fear you will not understand this. Three days ago the Prefect wrote to the Governor, stating that, as he was hourly expecting the troops, it was high time he should provide suitable accommodations for the officers, of whom he inclosed a statement, which I saw, and is as follows: 24 état major du general, 6 état major de la place, 8 de la direction du genie, 8 de la direction de l'artillerie, 135 infantry, 39 dragoons, 6 officers de santé, 12 du corps d'artillerie, 12 du corps du genie, qui n'a pas de soldats; in all 250 officers, besides 30 not attached to the corps that are coming. Total of the force, 280 officers; in which number there are ten or twelve general officers. Does this look as if they were not coming? or, as if the province was to continue to be governed, I mean garrisoned, by Spanish troops? Make what you please of this information, but the source from whence it flows, must remain concealed behind an impenetrable veil of secresy. There may be some slight mistake, in the details you may find at the end of this paper, owing to my not thinking it worth my while, to commit them to memory;*

* Silas Dinsmoor esq. of New Hampshire, a man of liberal education, brilliant genius, noble heart, philanthropic disposition, and great energy and enterprise. He first introduced the wheel and the loom into the Cherokee nation; and at this time was the public agent to the Choctaw nation, from which office he has since been removed, most unjustly and cruelly, by the despotic iron-hearted Armstrong.

† The cypher.

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Thomas Power proposes to enter the French service.

but the totality, I mean in point of number, is perfectly accurate and faithful. SHOULD YOU HEAR OF MY HAVING ACCEPTED AN EMPLOYMENT IN THE FRENCH SERVICE, WHICH MORE THAN PROBABLY WILL BE THE CASE, DO NOT PERMIT THIS TO INTERRUPT OUR COMMUNICATIONS; MY PRINCIPLES SHALL SUFFER NO ALTERATION, NOR SHALL MY VIEWS ABERRATE FROM THEIR FAVOURITE OBJECT; IF I DO ACCEPT OF AN EMPLOYMENT, IT SHALL BE WITH A SECONDARY VIEW, THAT OF FACILITATING OUR PROJECT AT A FUTURE AND MORE PROPITIOUS MOMENT. YOU MAY FOREVER RECKON ON THE FIDELITY AND ATTACHMENT OF YOUR DEVOTED FRIEND. Adieu!"

This testimonial forms an unfading record of Mr. Power's morality and honour, and of the thorough zeal, with which he can advocate any cause he may espouse; failing in capacity, *as a Spanish officer*, to serve the United States to the extent of his desires, he proposes to receive an appointment from the French government, to enable him the more effectually to betray it to me; and this after he had implored and received from my hand, the nominal appointment of Assistant Military Agent in the service of the United States, to protect him against the French government. I well recollect Power received an answer to this letter, the exhibition of which would not suit his purpose, because it breathed too pure a spirit of honour, independence and patriotism; I regret that I have preserved no copy of it; and it is worthy of remark, that he should, in this letter have introduced the abuse, applied to me by the Prefect Laussatt: if he (Power) knew me to be a Spanish officer or dependent, as he now says I was, why should he inform me, the Prefect had charged me with having cheated and duped (dupé et trompé) the Spaniards? This communication, under such circumstances, would not have been either natural or necessary, and furnishes one more proof of his (Mr. Power's) perfidy and falsehood.

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General Wilkinson's situation at Port Adams: motives of his conduct explained.

If censure be attached to the style of my correspondence with Power, it must be attributed to my zeal in the service of my country; twelve hundred miles removed from the source of authority, and threatened by the dangers, so impressively depicted to me by Mr. Clark, with his confident assurances, that I might, in consequence of his information from Europe, to our executive, hourly expect orders to act offensively; it became a matter of first importance to me, to probe the feelings of the inhabitants of the ceded country, and to explore every resource of co-operation; that I might know how, to make my calculations, and direct the blow, with most certainty and effect, whenever the order should arrive; it was for these reasons, I soothed the inhabitants of New Orleans, flattered the descendants of Charles the Vth, and expressed, in glowing language, my attachment to Louisiana; which has, indeed, increased with my knowledge of its amicable, kind-hearted, honourable, ancient inhabitants; and it was to whet the zeal, and excite the ardour, of my agent Power, that I flattered his vanity, and held out to him expectations of reward:—let it be remembered, Mr. President, that until that correspondence, I was a stranger to this man's true character, and my views, at the time, were directed to the public good, and not to considerations of personal merit; unqualified, indeed, is that man, for military command, who suffers his sympathies or antipathies, to traverse great designs. I had discovered Power's zeal and capacity as an intelligencer, I believed he might be employed profitably for the public, and I cherished him to make him useful. But were my enquiries, and correspondence, confined to Power alone? No, Mr. President; Daniel Clark's letters before the court, will shew, that he, also, was actively engaged in the same service, and my confidential communications WITH THE VICE-CONSUL, MR. WILLIAM HULINGS, also before the court, A MAN OF HONOUR AND A TRUE AMERICAN, will demonstrate that, although I EMPLOYED Messrs. Clark and Power, I did not CONFIDE TO THEM

MY MOST IMPORTANT ENQUIRIES, relative to the GARRISON AND DEFENCES of New Orleans, and the best mode of ATTACKING THAT PLACE. CHAP. VII.

Power garbles his correspondence with General Wilkinson.

I have observed, that Power has garbled this correspondence, and the fact is undeniable; for he has declined, producing several of my letters to him, relative to the occlusion of the port, and the expected arrival of the French; although some of them are acknowledged to have been received, in his letters to me, in evidence before the court. The motives of this concealment cannot be mistaken;—they would have distinctly explained, the integrity and the purity of my views, and defeated his iniquitous attempts to excite jealousies, injurious to my character. But the letters he has thought proper to exhibit, coupled with those addressed to me, when their dates and contents are carefully attended to; will elucidate my designs and motives, at that interesting crisis, and place them beyond suspicion.

It appears by the letters of Don Andres Armesto, and Power,* that my remonstrance to the Intendant, by Captain Shaumburgh, to whom Power acted as interpreter, had produced the restoration of the deposit, but burdened with imposts, and embarrassed with restrictions. It is, therefore, obvious, that I was earnestly endeavouring, to procure the restoration of the rights, secured to the United States by treaty. I had no reason, at that time, to suppose an attack from us, was desired by the Spaniards; on the contrary, I believed their government at New Orleans, was moved by the influence and direction of France—and that they apprehended the infraction of the treaty, might occasion the commencement of hostilities, before the French troops should arrive, to protect them. My letter to Power, of February 23d, 1803, before the court, shews that such were my impressions at the time; for I therein inform him, "*he might assure the good people of his metropolis, that they should sleep in safety, without fear of danger from us, as the President had*

Quotation from General Wilkinson's letter to Power of

* See page 248.

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determined to negotiate." But the answer of Power, of March 3d, 1803, before the court, represented the injurious measure of shutting the depot, as flowing, "FROM THE HOSTILE FEELINGS OF THE SPANIARDS, TOWARDS THE FRENCH, AND FROM THE HOPE, ON THE PART OF THE SPANISH GOVERNMENT, THAT IT WOULD PROVOKE THE AMERICANS, TO SEIZE NEW ORLEANS, BEFORE THE ARRIVAL OF THE FRENCH FORCES;"—and in the same letter, in answer to the observations, before quoted from mine, of February 23d, he tells me, that "THE PEOPLE OF NEW ORLEANS, SO FAR FROM APPREHENDING ANY DANGERS FROM OUR QUARTER, LOOKED UP TO US, AND EXPECTED US WITH THE SAME FEELINGS, AS THE JEWS DO THEIR MESSIAH." The letter from Daniel Clark of Feb. 26th, 1803, received about the same time, led me to expect, orders from my government, on the subject of our relations with New Orleans, as well as the indirect* hostilities apprehended from the French. These letters, and

Feb. 23d, 1803, and Power's answer of March 3d.

* If Daniel Clark was worthy of credit, his letter of the 29th May, 1803, hereunto attached, would afford strong evidence, of the meditated hostility of the French; but although this information, may have been without foundation, yet the circumstances of the moment, justified *a ground of fear*, and rendered it incumbent on me, to take every measure in my power, to frustrate designs inimical to the United States.

[*Official.*] "*New Orleans, 29th May*, 1803.

"Sir,

Daniel Clark's letter to General Wilkinson of May 29th, 1803.

"I have just learned confidentially, that a proposal was verbally made yesterday, by the Prefect, to the Marquis de Casa Calvo,* to prevent the Brig Hiram, now in the Mississippi, loaded with military stores for Loftus Heights, (Fort Adams) on account of the U. S., from proceeding to the place of her destination, and to detain her here until the arrival of General Victor. This proposal was received, and answered by the Marquis, in the manner it deserved, and he informed the Prefect, that so far from giving opposition, he would render to her, and every other American vessel navigating the river, every assistance in his power. As the government of this province, may, and is expected to change from one moment to another, when

* One of the Spanish commissioners for ceding Louisiana to France.

the verbal communications of Mr. Clark, who visited me in March, changed my opinion as to the measures likely to be pursued, and I then thought it most probable, that I should attack New Orleans by the orders of my government, in conformity to the wishes of the people of that city. My letter to Power of April 4th, presented to the court, furnishes proof of this statement, for I say to him in that letter, "*D. C. (Daniel Clark) has been here, and I believe is now at Point Coupee. Monroe had not left New York the 22d February, and our councils seem to be in some state of alarm,* ETES VOUS PRET ET PREPARE." This clause of my letter, most clearly indicates my growing belief, that Mr. Monroe might not be permitted to go to Europe, and that the sincerity of the hopes and wishes of the Spaniards, for our arrival, as expressed in Power's letter to

measures inimical to the U. S. may be resorted to, I think it incumbent on me, to give you advice of what has occurred, that you may take measures without delay, to put this vessel and cargo in safety, by sending a detachment, to assist in getting her up the river, as was done, formerly, on a similar occasion. I am informed there is an officer in the service of the U S., on board the Hiram, and I shall immediately write to him, to know in what manner I can be of service, and if on receiving his answer, I learn that some additional hands, will hasten the arrival of this vessel here, I will send them down to her, without delay. I write not to you, now, on slight grounds, but on unquestionable authority, and I entreat you will take your measures, without communicating the contents of my letter, as in future all the sources of information, would be shut against me, should this advice transpire. I shall avail myself of an opportunity by sea, in two or three days, to give an account of this measure, and other matter connected with it, to the secretary of state, and doubting not, but you will do the same by land, I feel easy, on the score of its reaching government, without accident. This circumstance is so extraordinary as to baffle all conjecture, respecting the Prefect's motives.

"I remain with respect and esteem, Sir,

"Your most obedient,

"And most humble servant.

(Signed) "DANIEL CLARK.

"*Brigadier-general Wilkinson.*"

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me, might soon be put to the trial; and in my letter of the 13th of April to Power, submitted to the court, I tell him, "*I expect my final orders the 16th inst.*" As late, then, as the 13th of April, 1803, I had been busily engaged, in endeavouring to procure, the restoration of the deposit according to the treaty, and waiting for orders from my government, to regulate my conduct towards the new masters of Louisiana. It was not necessary to wait for my final orders, if I intended to disobey them, or take any measures they should not warrant. The dispositions of the government communicated to me at the time expected, are apparent in my letter to Power, of the 22d of April, submitted to the court, wherein I tell him "*you have nothing to expect from this quarter; we shall set down perfectly content with the deposit in New Orleans, which the French will give, or continue to us, as long as it may suit their policy; we shall endeavour to purchase the left bank, but have no right to ask more than the restoration of the deposit. This is from the fountain head, and I give it to you in strict confidence,*"

Orders received from the government.

Being now advised, that our government would in the first instance, demand the right of deposit, and that force was not intended to be immediately resorted to, it became my duty to promote those views;—to which my measures were instantly conformed. I had been warned by Mr. Clark, in his letters and conversation before referred to, that a system of indirect hostility, was intended to be practised, by the French towards us, as soon as they obtained possession of the country; and I had, also, been taught to believe by Power, that the occlusion of the port, by the Spanish officers, was not occasioned by any unfriendly disposition to us, but by hostility to the French; I feared, therefore, that if any future measures were taken, relative to the deposit, the Spanish officers might be duped by the French, into the adoption of some other arrangement, on that subject, injurious to the interests of the United States, without being aware of its consequences; unless some person, on the part of the United States, in

Reflections on the commercial depot at New Orleans.

whom they (the Spaniards) had confidence, should be near to advise them. I was, therefore, anxious to be at hand, when any measure affecting our right to deposit, should be agitated; in order to guard against the effects of intrigues, and to secure to the United States, the full possession of the rights, which had been guaranteed to them by treaty. No man, accustomed to remark on public events, and the conduct of nations, could fail to foresee, that, notwithstanding our treaty with Spain, the French might have claimed the right, to hold New Orleans, as they might find it, when possession was delivered to them; and to deny our right, to any privileges there, except such as we enjoyed, when it came into their possession. If we appealed to the treaty with Spain, they could have appealed to the situation in which they received the province, and referred us to Spain for satisfaction. If they found our right to deposit regulated, not by treaty, but the will of the Spanish government, they might, with some shew of justice, have claimed the same right, to regulate it according to their discretion. And believing from Clark's letter and conversation, that a pretext for such conduct, would be seized on with avidity, and exercised with rigour, to vex and harass our commerce; it was important if any change did take place, that the restoration of our rights should be placed, on the just and solid basis of the treaty, and not merely as a matter of discretion or favour. After comparing the dates, and contents of my correspondence, no man, in search of truth, can doubt that the motives above stated, and those alone, produced my note to Power, inclosed in my letter of April 22d, before quoted, expressing my wish, that the deposit should not be touched upon, until I was near. I wished our rights to be openly and officially acknowledged, by the Spaniards, before they parted from the possession; which my knowledge of characters, my personal influence, and the information I had received from New Orleans, induced me to believe, could be accomplished. The country would then have passed,

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into the hands of the French, without any pretext for future disputes and embarrassments.

Note to Power, respecting the continuance of the occlusion, explained.

Let it be remembered, that at the date of my note to Power, on which clamour is, no doubt, intended to be raised, the right of deposit had been already restored through my negotiations, but trammelled with imposts, and restrictions, contrary to the treaty. The reference in this note, to the Intendant and the Marquis Casa Calvo, was necessary, because any change which might be proposed, anterior to the surrender of the province, would depend on them. The Marquis was, at the time, in the Havanna, but was daily expected, as a commissioner, for the delivery of the province to the French; the governor, Salcedo, being in his dotage. But my proposition, could have been dictated by one object only; that is, the suspension of any farther proceedings, respecting the deposit, "*until I arrived near them.*"* The expression, instead of favouring a disposition on my part, to prevent the restoration of the deposit, warrants a contrary conclusion; for surely the desire to be near the commissioners, before any modification should take place, can not, after my previous conduct, be fairly interpreted into a desire, that the opening of the deposit should not take place at all; and will be best explained by the intention with which it was written, viz. that I might have an opportunity, to participate in the measure, and, by my influence and management, procure the depot to be restored, to the letter and spirit of the treaty, freed from imposts and commercial restrictions; and, that whilst I thus served my country, I might acquire the credit due, to such demonstrations of my zeal and enterprise.

Power was directed to speak confidentially, to the Marquis Casa Calvo and the Intendant, because, concealment from the French officers and their agents, was essential to the success of my designs. I could feel no difficulty, in hazarding this confidence with the Spaniards,

* The commissioners of France and Spain.

as I knew they both indulged feelings of hostility to the French; and Power, in his letters, had represented these feelings to be exasperated, by the compulsory cession of Louisiana.

Upon the whole view of this correspondence, it will be found, that I always conformed my conduct, to the orders and wishes of my government, as soon as they were ascertained. When I thought they contemplated hostilities, my letters prove, that I was actually preparing for the event, and seeking to rouse the Louisianians in our favour. When I discovered that negotiation was resolved on, I sought, by my personal exertions and influence, to remove those obstacles, which might have been used as a pretext, for a further obstruction of our just claims. This conduct on my part, may be liable to the charge of presumption. It was for yielding to a similar impulse, during Burr's conspiracy, that I incurred all the persecutions which have followed.

But to put beyond all question the true state of my mind, at the very moment of this correspondence, with Power and Clark; to shew the anxious, active movements of my soul, in the public cause, and my sacred devotion to the interests I represented, I must beg leave to insert in this place, extracts from my letters to the secretary of war, dated Homo Chitto and Fort Adams, Jan. 16th, April 24th, and July 24th, 1803, and my correspondence with William E. Hulings esq., then vice-consul at New Orleans.

"*Homo Chitto River, Jan. 16th,* 1803.

"I have taken measures to ascertain the disposition of the Governor and Intendant below me, and shall look for the result by the time I reach Fort Adams, where, I am just informed, the troops ordered from Tennessee last spring have arrived.

"You will perceive from the enclosed notification, that Colonel Grandpré* has refined on Mr. Morales,† and that

* Governor at Baton Rouge. † Intendant of Louisiana.

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another turn of the screw, will go near to break the cord; in truth, this interdiction of intercourse, begins to take a serious aspect, which excites my strongest solicitude. You observe a kindling flame in the west, and I speak from a perfect knowledge of the materials, when I say it will soon become a devouring one, should the people below resist the treaty stipulation. To avert the evil as far as my humble powers go, I have written unofficial letters to my friends in New Orleans, and have urged that the Governor and Intendant should take upon them to fulfil the treaty, by assigning a place of deposit; and shall look for good effects, if the First Consul's finger has not given direction to this measure."

"*Fort Adams, April 24th*, 1803.

"Should we get possession of New Orleans by treaty or by arms, I ask as a favour that I may be employed on the occasion. In the first case, I should fulfil a prognostic, which I have long since made; and my intimacy with the inhabitants, their prejudices, habits and interests, would enable me to conciliate, and attach all parties to our government: in the last case, my knowledge of every approach, and every defence, and the firm adherents which I have within the place, might be of important avail to the attempt."

"*Fort Adams, July 24th*, 1803.

"Should any thing military be done in this quarter, you should hold out every deception from the seat of government forward, as the Spaniards may on the slightest alarm, awaken from their *sleep*, arm, and bring over a thousand men from the Havanna; which would destroy every idea of a *coup de main*.

"With the troops here, Bissel's, Stoddert's, Carmichael's, and the two companies at South-West Point,

will suffice, if you can send them down, without giving alarm.

"If any thing PROFESSIONAL is to be DONE, which may imply TRUST and HAZARD, I hope you may confide the execution to me, or give an ORDER to some ONE to KNOCK me in the HEAD."

"*Fort Adams, Feb. 12th,* 1803.

"Dear Sir,

Letter to William Hulings esq. vice-consul New Orleans.

"I purposely declined writing you by Shaumbugh, to excite the idea that we were not in correspondence, and thereby to mask the object of this letter.

"I NOW ADDRESS YOU AS A PUBLIC OFFICER, AS AN AMERICAN AND A PATRIOT, and confidently appeal to you, for prompt and correct information on the subjects, embraced by the enclosed memoranda; as much, or all, will depend on secresy and concealment, you must have NO CONFIDANTS IN THIS TRANSACTION; and to guard our intercourse effectually, against enquiry and accident, you must make your communications by the cypher under cover, and address your letters to "Mr. John Tibbs, Buffaloe," and have them lodged in the post office in this place, "until called for." Our government has not come to any hostile conclusions; but, should *the Spaniard persevere a little longer, in his dereliction of public faith,* and infraction of our rights, the *spirit of the Westerns will not be restrained*—the government *must acquiesce,* and the consequences are too obvious to need utterance.

"*Pending events so momentous, it is my duty to be prepared, to give due effect to the high trust reposed in me.*

"I make this communication to you in *sacred confidence; I am concealed from the bearer,* and will suggest to you, the expediency of burning it, together with the memoranda, after committing the contents to memory.

"As my movements will depend on contingencies, I dare not hazard an idea on this subject, but must beg to hear from you as speedily as possible and without fail, as

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often as any incident or occurrence, may in your judgment render it necessary; the channel of communication must depend on your own discretion.

"I have no doubt the Spaniards would prefer our occupancy of Louisiana, to that of the French; but has any intimation of this escaped from them, *and how would the Creoles of the country, relish such an event, with independence, and an attachment to the federal union?* Farewel! Be punctual and prompt, I conjure you.

(Signed) "JAMES WILKINSON.

"*William E. Hulings esq.*

"*Vice-consul, New Orleans.*"

"1st.—A plan (or delineation) done by scale, to shew the fortifications of New Orleans, with the relative position, and distance of the batteries, redoubts and enclosed works, from each other.

"2d.—An account in detail of the several works, their magnitude and form, and defences against an assault.

"3d.—The strength of the garrisons, (permanent and rotationary) which occupy the several works, and of the daily guards, which mount within or without the walls of the city, and the positions which they respectively occupy.

"4th.—The number and distribution of the regular troops; to ascertain precisely their several stations, when in quarters or on duty.

"5th.—The number and organization of the militia of the city; their arms, equipments, parades of assembly, and their commanders.

"6th.—The situation of the gallies; their number, equipment and crews.

"7th.—What are the precautions of defence, in the day and during the night? Have you alarm posts, or points of rendezvous, on a call to arms? Are your guards increased at night? Have you patroles; and what are their rounds or duties, their strength and general conduct?

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"8th.—What are the number of the Americans and English within the city, capable of bearing arms, and what are their dispositions towards the United States? What would probably be their conduct, should the place be attacked by a coup de main?

"9th.—Would the citizens generally resist, or would they quietly acquiese in a change of government, which may be effected without much bloodshed, and with the most sacred observance of respect to their rights, interests and *feelings*, and which has for object their inde pendence, and association with the American union on fair and equal grounds?

"Do not take time for a complete report, but answer these interrogatories collectively or separatively, with all the promptitude, your circumstances and information may enable.

(Signed) "JAMES WILKINSON.

"*William E. Hulings esq.*
"*Vice-consul, New Orleans.*"

THE ANSWER.

Letter from William E. Hulings, vice-consul, to General Wilkinson.

"Your letter of the 12th came this day to hand; I have read it with due attention.

"As I am no engineer, I cannot comply with your first request, but have sent you a rough sketch of the works.

"There are five forts, one at each angle of the town, with redoubts now in total ruin, without one piece of cannon; four of the five may be marched or even rode into without opposition; they are not provisioned for two days.

"Fort St. Charles, the lowest on the river, has fifteen pieces of cannon of twelve and eighteen pounds, on the outworks, whose carriages are rotten, and there as many on the inside of the fort, of four and six pounds. The embrasures are much decayed; it has a ditch and draw

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bridge, and is the only work that could make the least opposition.

"Fort St. Louis, above the town, has fifteen embrasures, much decayed, in some of which there are no cannon; it may be rode into on the west side, where the ditch is filled up, so as to make a safe passage.

"In front, on the river, there is a battery of four pieces of twelve pounds; it is almost in ruins.

"The three forts, back of the town, are totally defenceless; their gates and pallisades being rotten and destroyed;—The pallisades of the town, are broken in a thousand places, and the gate of the town, on the Bayou road, cannot be shut; horsemen may come down the back road, and enter the city without resistance, while the main body comes down the river and lands in or near the city.

"The garrison consists of about five hundred men, (regulars) composed of the regiment of Louisiana, and the Mexican regiment: Colonel Howard commands the first, and a Captain the second.

"The officers are brave and active, and the soldiers are well clothed and armed.

"Fort St. Louis and Fort St. Charles, are guarded by six men and one officer; the guard is not increased in the night.

"There are nine men at the Government House, and about twenty dragoons at the corner of the square, near Moore's House,—ten and a Captain at the Town Hall, and seven at the Intendant's; also three or four at Fort St. John: the rest remain at the barracks,—where I suppose, would be their place of rendezvous if they were attacked.

"There are no troops stationed out of the town, that I know of.

"The militia are badly organized,—about five hundred in number, but many do not keep arms in their houses,—therefore are not to be feared for a coup de main; their Colonel, Mr. Andreas is brave, as are most of the officers.

"The militia seldom meet,—when they do, it is between the king's stores.

"There is a company of cannonier militia, commanded by Colonel Daunois; they parade in the artillery yard, opposite to the market house.

"You must seize that place.—We have but two armed schooners here at present, and their guns and tackle are on shore.

"There is nothing to be feared from their naval force, unless they have time to refit them.

"There are small patroles, of militia and regulars at night,—about six men and a sentinel, at each fort and gate of the town; there is also an officer who goes the rounds with two soldiers.

"There may be about fifty Americans and English within the city, some of whom are enrolled; they would not do more than they would be forced to do.

"The transient Americans will not certainly oppose you.

"The generality of the inhabitants would rejoice to become Americans, many have so intimated to me.

"We are ignorant when the French will come; if they are here before you, you will have much hot work of it; now is the time when it is quite defenceless, and might as easily be carried by a coup de main, as to kiss your hand.

"Our magazine of powder, is on the west side of the river, and ought to be seized,—then the barracks, next Fort St. Charles; these conquered, you are safe. I will have no confident.

"Do not write often; when you do, let it be by a sure hand, as I know I am watched on all sides, by French and Spaniards.

"Please to receipt this, and direct you letters to Benjamin Morgan with the inclosure, without a superscription either inside or out.

(Signed) "WM. E. HULINGS.

"*General James Wilkinson.*"

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Conclusion of the examination of the first and second charges.

This letter of Mr. Hulings was decyphered by Captain Walbach, my then aid de camp; is in his manuscript, and was accompanied with a sketch of New Orleans and its defences, which have been submitted to the court. The original in cypher with the key are now delivered.

Let us bear in mind, that when those communications took place, the public sensibilities were loud and urgent, for the occupancy of New Orleans; for which end, it became my duty, to be prepared at all points, the moment I might receive the orders of the executive.

And thus it has appeared, and will ever appear, that in every instance of my professional duties, in every exigency of the public service, my fidelity is manifest, and my zeal and activity conspicuous; and after such a course of conduct, without interruption for twenty years, wherein my services have been repeatedly confessed, by the highest authorities of this nation; after all my toils, suffering and perils, consummated by old age and penury. Gracious God! am I to be put down, by vague imputations, and foul suspicions, for a participation in a conspiracy, of the existence of which you have no proof? or shall the intrigues of a foreign government, be employed to effect my ruin, because I saved my own country from a civil war?

I pray you, gentlemen, to bring these facts home to your own bosoms, and to place yourselves in my hard situation. If SUSPICIONS founded on incidents and transactions of more than twenty years standing, can be renovated to destroy an officer, who, during the same period, has been actively engaged in the military service of his country, then I would ask who is safe, and where shall we find security against intrigue, power, wealth and talents, unrestrained by justice?

CHAPTER VIII.

The third, fourth, and fifth charges discussed.—Cypher between General Wilkinson and Colonel Burr, established in 1800.—General Dayton writes to General Wilkinson in cypher, by means of the hieroglyphics, originally arranged between Wilkinson and Burr.—Testimony of Colonel Covington and Captain Walback respecting cypher.—Proofs, professed to be derived, from Wilkinson's conduct, correspondence, &c.; in the years 1805 and 1806, examined.—General Wilkinson departs from Washington, about the 25th April, 1805, to enter upon the functions of Governor of Louisiana.—Colonel Burr leaves Philadelphia, for the western country, about the same time.—William Simmons's testimony referred to.—Doctor Browne and Charles Lauss mentioned by Colonel Burr.—William Simmons's testimony before the court, and the committee of Congress, contrasted.—His deposition of the 13th April, 1810.—His deposition in January, 1811, commented on.—Captain Peter's deposition respecting the project, for cutting a canal at the Falls of Ohio.—Deposition of Colonel Matthew Lyon.—Burr pretends to change his plan of election to Congress, from Tennessee to New Orleans.—General Wilkinson's letter introducing Burr to Daniel Clark.—He proposes a commercial enterprise to Mr. Clark.—General Wilkinson's and Daniel Clark's correspondence.—General Wilkinson's letter to General Adair, examined.—Adair's letters to General Wilkinson, December, 1805, January and April, 1806.—Major Hunt's testimony, examined.—Major Bruff's depositions analysed and compared, with those of Major Hunt and W. Simmons, accountant of the war department.—The deposition of Lieutenant Whitlock, referred to.

I now, Mr. President, will beg leave to call the attention of the court to the allegations, which impute to me a participation in the criminal designs of Colonel

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Burr. My offences on this head, are contained in the third, fourth, and fifth charges.

I am accused, Mr. President, of having conspired with Colonel Burr, and others, to dismember the union,—of having improperly concealed the communications of the conspirators on this subject,—and of having combined with them, to set on foot an expedition against the Spanish provinces in America. All of these charges, and the specifications under them, are applied to my conduct in the years 1805 and 1806, I shall therefore discuss them together; for it is of no consequence to me, whether any one of these charges, implies a higher degree of turpitude than another: because, should I be found guilty, during this period, or any other of my life, of having committed the least of these offences; if there is any difference between them, I am willing to suffer the penalty due to the highest. I proceed to shew, that they compose a tissue of shameless falsehoods.

To give form and consistency to the threads and patches, of what are termed proofs, derived from my conduct during the period to which these charges refer, adventitious circumstances, having no particular connexion with that period, are called in; for the purpose of exciting suspicion, and preparing the public mind to condemn me, on less proof than is required in ordinary cases. I was intimate with Colonel Burr; I corresponded with him in cypher; To have been his friend is now thought to be evidence of corruption: and there is, it seems, so much of necromancy in a cypher, that it can only be used by those, who are far gone in iniquity. If my intimacy with Colonel Burr, had commenced about the period of this conspiracy, or if the cypher had been then first employed in our correspondence, I will admit that it would have furnished, some cause of suspicion; and I should not in that case, have complained, when the argument was used against me. But it was notorious, that my friendship with Colonel Burr, was formed, while he was a gallant faithful soldier of the revolution; when his heart was warm, and his hand was ready in the cause of his coun-

Commencement of General Wilkinson's intimacy

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try;—and when he was associated with the most pure and gallant spirits, in the noblest and best of causes. Our intimacy, thus begun, had continued, by the mutual interchange of kind and friendly offices, in good and in evil fortune, for the long course of years, which had passed since that period. And you, sir, and every soldier feels, how strongly the sympathy, produced by common hardships and dangers, binds men together; and can readily appreciate the painful reluctance, with which an early friendship, so formed, and of such duration, was in the down-hill of life burst asunder. My intimacy with Colonel Burr can, then, be no ground of suspicion; on the contrary, it will, to every generous and manly breast, most fully account for the difficulty with which I brought myself to believe, that, seduced by the allurements of ambition, he was seeking to destroy the fair fabric, of those liberties, which he himself had assisted to rear and establish.

macy with Colonel Burr.

Neither was the cypher formed, for the purposes of conspiracy or treason;—for as early as the year 1800, when Colonel Burr stood high in the confidence of his country, when his ambition appeared to be chastened by patriotism, and to seek only legitimate objects of gratification, we corresponded in cypher.* His letter to me, of October 10th, 1800, evinces this fact; and that of the 5th April 1805, shews, that the same mode of correspondence was still continued, and that the subjects on which we corresponded, were not of a dark and criminal nature, such as imperiously required careful concealment. "Why," says Colonel Burr in the last letter, "put such a tax on the pleasure of your correspondence?" speaking of the difficulty he had in decyphering it. When I am reproached with my intimacy with Colonel Burr; when the magical forms and characters of the cypher, are brought forth and displayed against me, the circumstances above detailed, which are in proof before this

Cypher between General Wilkinson and Colonel Burr, established.

* See Appendix, No. LXIV.—Third Report Committee of Congress, Mr. Bacon chairman, page 194—196.

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court, are kept out of view; we are not informed that the correspondence, in cypher, was as old as 1800, and our friendship contemporaneous with the revolution.

But General Dayton, too, corresponded with me in cypher. Let it be remembered, Mr. President, that this, as almost every other circumstance relied on, to criminate me in this business, has been voluntarily furnished by myself, with all that frankness which never fails to mark, "a conscience void of offence." These letters were produced of my own accord, on the trial of Colonel Burr, and although they shew, that General Dayton wrote to me twice in cypher, they do not shew that any hieroglyphics, had been previously arranged between us; Nay, sir, they prove the very reverse, and shew that these letters, were intruded on me by General Dayton, unsought for, and unexpected on my part. For in his first letter,* dated July 16, 1806, he instructs me how to decypher it, and gives the check words from the hieroglyphics, arranged between Colonel Burr and myself, long before that period. If I had already agreed upon a cypher with General Dayton, this explanation would have been unnecessary. It shews, he had procured my cypher from Colonel Burr, and employed it to explain his communications. The amount of this proof, thus resolves itself, that Burr furnished General Dayton a copy of my cypher, and the latter made use of it, to tempt me from my duty if possible. For the acts of Burr and Dayton, done without my consent or knowledge, I trust I am not to be held responsible, by this court or my country.

General Dayton writes to General Wilkinson in cypher and gives the check word from hieroglyphics originally arranged between Wilkinson and Burr.

Nor were Colonel Burr and his associates, the only or the first persons, who addressed me in these mysterious characters. The testimony† of Colonel Covington,‡ and Captain Walbach,§ shew conclusively, that I had practised this mode of correspondence as long ago as 1794, and had continued to do so, down to the period of Burr's

Testimony of Colonel Covington and Captain Walbach respecting cypher.

* See Burr's Trial, page 236.

† See Appendix, No. LXV.—Burr's Trial, page 242. 264.

‡ The late General Covington.

§ The present Colonel Walbach.

conspiracy. If any one should say, that the respectable and distinguished characters mentioned by Captain Walbach, with whom I had interchanged cyphers, might on that account, be suspected of criminal designs, he would be treated with ridicule. The use of a cypher, therefore, is not of *itself* any circumstance of suspicion. How unjust then, is it in my case, and in my case only, to draw an argument of guilt, merely from the use of an occult character?—a character I was in the constant habit of using, at such various and distant periods of time; with persons so distinct from each other, in their relative situations of life, and engaged in such different pursuits, that it must be evident, the subjects of correspondence were totally unconnected.

Mr. President, I have perhaps dwelt too long on this point; but the malevolence of my enemies has attached so much importance to the mysterious characters, in which I corresponded with Colonel Burr, that I have felt myself bound to give this full explanation; for the purpose of shewing, that however whimsical the shape of an hieroglyphic may appear to some, it is not necessarily the emblem of conspiracy or treason.

Examination of proofs professed to be derived from General Wilkinson's conduct in the years 1805 and 1806.

I proceed now, Sir, to examine the proofs professed to be derived from my conduct, correspondence and conversations, in the years 1805 and 1806, at which time it is alleged, I was leagued with the conspirators, or concealed their machinations. In the winter of 1805, I was appointed governor of Louisiana; I was then in the city of Washington, and continued there until the spring of that year. On the 3d of March in the same year, Colonel Burr ceased to fill the second office in the government, and some time after the close of that session of Congress, both of us set out for the western country; I to enter upon the duties of my new appointment, and he, it now seems, with disappointment and revenge rankling in his breast, prepared for any desperate enterprise, however detestable. He left Washington about the first of April; I about the twenty-fifth of the same month. Joseph Wheaton, the witness, is mistaken in his deposition, when he

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states, that I continued in the city of Washington, until near June, for I arrived at Pittsburgh about the first of May. But while Colonel Burr remained at the city of Washington, our intimacy continued without relaxation; and hence, it has been cruelly inferred, that I was privy to his discontents, participated in his views, and planned with him, the desperate enterprise, in which he subsequently engaged. That I felt his degradation as a friend, I shall most readily admit; but that I participated in his schemes, or suspected that he had formed any plans, injurious to the interests of his country, is, I can clearly prove, utterly false. My impressions, at that time, of the views of Colonel Burr in the western country, are partially explained by *the deposition* of William Simmons*, taken before the committee of Congress, January 10th, 1811, in answer to the 6th interrogatory put by me, and by the letters† referred to, and produced by him in his answer to that interrogatory. Mr. Simmons swears, that when he, "in April, 1805, shewed me Dayton's letter, and consulted me on the subject, I named Burr as one of the persons, who was concerned with me, in a canal scheme, at the falls of Ohio." I must therefore, at that time, have believed, that Burr was about to engage, in the peaceful pursuits of civil life. The value of the contemplated canal, depended upon the continuation of the peace of the western country. In times of civil commotion, it would have been worth nothing to the stockholders; and if Burr had, at that time, other views, and only held up this scheme to the public, to lull suspicion, while his plans were maturing, he carefully concealed his design from me; for in his letter‡ of April 5th, 1805, a few days before he left Philadelphia, for the western country, he says, "*Browne will obey any order you may give him; Charles Lauss, the surveyor, will accompany him*

* See Third Report Committee of Congress, Mr. Bacon chairman, page 483.

† See Third Report Committee of Congress, Mr. Bacon chairman, page 496—502.

‡ See Appendix, No. LXVI.

or me;" obviously alluding to the contemplated canal, and necessarily impressing me with the belief, that he was seriously engaged in that project, for which, alone, the presence of the surveyor could be necessary. The Dr. Browne alluded to in this letter, was the friend and relative of Colonel Burr, and had been appointed by the President, on the recommendation of Burr, secretary to the territory of Louisiana, of which I was the governor. Colonel Burr could not have thought, the subject on which we were then corresponding, required any mystery or secresy; for, in this letter, he thus complains of the cypher: "WHY (says he) PUT SUCH A TAX ON THE PLEASURE OF YOUR CORRESPONDENCE?"

Before I leave this part of the subject, it becomes me to notice the testimony, of the same Mr. Simmons, given on his examination before this court. His conversation with me, relative to the canal is again repeated by him, but with such amendments and additions, as were calculated, in his opinion, to tarnish my honour and affect my life. In answer to these ingenious calculations of the accountant, I have only to call the attention of the court to the letters,* produced by him, before the committee of Congress of which Mr. Bacon was chairman, which speak a language too intelligible to be misunderstood. You will perceive, that in my letter, *I caution him against engaging too rashly in the scheme, invite him to settle at St. Louis, in my government; and tell him "General Dayton on the spot is best able to advise him:"* and General Dayton, in his letter to him, of June 2d, 1805, says, "*I have yielded to the urgent solicitations of Mr. Browne, General Wilkinson, Hovey and others, who have written to me from Jeffersonville, and have determined to visit the rapids, in about fifteen or twenty days, when I shall be better able to consider the whole subject, its importance and advantages.*" Now, if there was any thing of conspiracy or disaffection to the government, in the mysterious hints, to which the witness has sworn, and about

Simmons's testimony before the court and committee of Congress, contrasted.

* See Third Report Committee of Congress, page 496—502.

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which, as well as the canal, he says, I promised to write to him; I would ask, if there is, or was, at the Falls of the Ohio, any thing which could make it so peculiarly fitted, for plots and conspiracies? Why would General Dayton "*be better able to consider the whole subject at that place?*" Why should I think him, "*best able to advise on that spot,*" if the object to be accomplished was the dismemberment of the union or the invasion of Mexico? What were the privileges expected to be obtained, with the charter for cutting the canal, from which the company were to derive so much emolument, it cannot now be necessary to detail; Mr. Simmons, swears, that at the time of the conversation, he considered the mysterious object, so obscurely and yet so emphatically spoken of by General Wilkinson, to be connected with the canal. It is not pretended that any attempt was made by myself, or by any other person, to gain him to the conspiracy. It is in proof, that I advised him not to take any step in the business, about which I conversed with him, before he had, "THOROUGHLY EXAMINED THE GROUND BEFORE HIM;" if therefore, these mysterious hints alluded to Burr's conspiracy, as the witness would now have us believe, I must have made the communication, merely to awaken suspicion in an officer of the government, against which I was conspiring; or for the purpose of enabling Mr. Simmons, at some future day, to inculpate me by his testimony.

But, Mr. President, I ought not to delay the court, with the idle tales, of this most malevolent witness; What faith is to be given to his present representations, when we find in the testimony before you, that long after this conversation, in his first examination before a committee of Congress, on the 13th of April, 1810,* he deposed as follows? "IN RELATION TO ANY CONCERN WHICH HE (WILKINSON) MIGHT HAVE HAD IN THE BURR BUSINESS, THE ONLY INFORMATION THAT HAS COME TO MY

* See First Report Committee of Congress, Mr. Butler chairman, page 159—160.

KNOWLEDGE, IS IN THE DISBURSEMENT OF PUBLIC MONIES, *drawn from the public agents at New Orleans, in the year* 1807, *for the freight of vessels, chartered by him, to transport prisoners and witnesses from New Orleans to the seat of government; and sundry advances to witnesses, fees to lawyers, &c.; said to be incurred by the conspiracy of Aaron Burr; which disbursements, as well as others, to a considerable amount, were paid by warrants immediately from this department, drawn by the former secretary of war, for sundry objects of the like nature, and for which there was no specific appropriation, to which I could charge those expenditures. I was therefore, unable to credit the agents, or enter the account to any head of expenditure, until the 29th November,* 1809; *when, the present secretary of war, to enable me to enter the account, directed, that as the disbursements had been made by virtue of orders from the department of war, in the years* 1806 *and* 1807, *that they were chargeable to the contingent fund of the war department; there being no other head of expenditure to which they could be properly charged. I have accordingly entered the account,* AND CAN GIVE NO OTHER INFORMATION ON THIS SUBJECT."

This, according to the oath of Mr. Simmons at that time, was the only information that had then come to his knowledge, in relation to any concern I might have had in the Burr business, and he could give no other information on that subject. Had he then forgotten the mysterious conversation, and the letter before mentioned, which, he afterwards produced, on his examination before the other committee of Congress, in January, 1811? No, Sir, he tells you he had not; He well remembered it. One part of the question put to him by the committee was, "Had he any knowledge of the conduct of Brigadier-general James Wilkinson, in relation to his having at any time, whilst in the service of the United States, been an accomplice, or in any way concerned with Aaron Burr, in a project against the dominions of the King of Spain, or to dismember these United States?" His answers, to this and to the other questions proposed to him

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by the committee, were not made in haste, but on due deliberation; he took, by his own account, about a week to prepare his deposition. How came he then to swear, he knew nothing more on this subject, than is stated in the deposition of 13th April, 1810, before quoted? Attend, I beseech you, to the reason which he has assigned, in his own words, "I CONSIDERED THAT PRIVATE LETTERS OUGHT TO BE HELD SACRED, UNLESS THEY WERE DRAWN FROM ME, IN THE WAY THESE WERE, BY GENERAL WILKINSON'S SIXTH QUESTION,* before Bacon's committee." Excellent casuist! most credible witness! Private correspondence, it seems, is more holy, than the solemn appeal to Heaven, by which, he attested the truth of his deposition. He had further information to give, yet swore he had not, because, forsooth, he held private correspondence to be a sacred thing! Mr. Simmons improves in the trade of affidavit-making. A year ago, he

* "*Question 6th.*—(By General Wilkinson put to Mr. Simmons.)—Had you ever any knowledge of a project for cutting a canal at the Falls of the Ohio, by General Hovey and a body of associates? were you not invited to take a share in it? did you not mention the circumstance to General Wilkinson, and ask his advice? and did he not advise you by letters from the Falls of Ohio to have nothing to do with it? Did you not understand that Colonel Burr, General Dayton, and General Wilkinson were concerned in this project?

"*Answer.*—The first intimation I ever had of any project for cutting a canal on the Ohio, was from a letter I received from General Jonathan Dayton, dated at Cincinnati, Ohio, March the 31st, 1805, a copy is herewith, No. 9.—At the time, or soon after, that I received this letter, General Wilkinson happened to be at my office: I handed him the letter, when he observed, that he was acquainted with the plan in contemplation; that he was himself one of the party, and that Colonel Burr, General Dayton and others, were concerned in this project; and that he would write to me fully on the subject when he got to the Falls of the Ohio. The only letter I received from General Wilkinson on the subject, is dated Massac, July 15, 1805; a copy is herewith, No. 11, and a copy of the letter from General Dayton to me in answer to mine of the 20th April, 1805, is herewith, No. 12. This correspondence is all that I know or had to do with the project for cutting a canal at the Falls of the Ohio, never having conversed with General Dayton on the subject, or ever seen him since he wrote to me the letters above alluded to."

was but a youngling in the flock of false witnesses, and was content to slander me for the misapplication of oats, and corn, and hay, and the provisionsof the army; but now he unblushingly charges me with conspiracy and treason.

I turn, Mr. President, with disgust from this picture of depravity, and call the attention of the court to the testimony of Captain Peter, which proves my full belief, that Colonel Burr was seriously engaged, in the canal scheme. The time, the manner, and the circumstances attending the conversation, narrated by Captain Peter, so fully and faithfully disclose my impressions and feelings at the moment, that I must beg leave to read that part of his deposition.* It will be remembered, that *the conversation to which Captain Peter deposes*, took place in the summer of 1805, after that stated by Simmons, and when I was proceeding to St. Louis, to enter on my duties as governor of Louisiana.

It is then conclusively proved, Mr. President, that in the spring and summer of 1805, it was my firm belief, that Colonel Burr intended, to settle himself in the western country, and that he was earnestly engaged in projects, the successful issue of which, depended altogether upon the continuation of the union of these states. I repeat, that I was, at that time, the friend of Colonel Burr, and wished to render him every service in my power. I shall now proceed to shew, in what manner I manifested my friendship for him; and I do this, to explain the true meaning of those expressions, in my letters, to which my enemies endeavour to give the aspect of treason and conspiracy.

The public sentiment, had ascribed to Colonel Burr eminent talents and qualifications; I considered him still a patriot, though highly discontented and mortified; and that he had both the ability and the inclination, to render efficient services to his country, in any station to which he *might be called.*

* See Appendix, No. LXVII.—Third Report Committee of Congress, Mr. Bacon chairman, page 505, 6.

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The deposition of Colonel Matthew Lyon* proves, that in the winter of 1805, while Burr and myself were both in the city of Washington, so far from plotting with him, any unlawful enterprise in the western country, I anxiously wished him to be appointed to some foreign embassy; and when it was found, this could not be effected, I entered wa ly into a plan for procuring him a seat in the councils of the nation. In this plan, Colonel Burr appeared heartily to join us. My views on this subject, and the measures taken to effect his election, are fully disclosed in the deposition of Colonel Lyon.

In our journey to the west, it is worthy of remark, that Colonel Burr and myself had no interview, until I arrived at Massac; as appears by the deposition of Captain Peter,† and Burr's letters‡ of April 10th and 30th, and May 19th, 1805; and none of those letters contain a word like conspiracy between us. Indeed, he hastened his departure from Pittsburgh, a day before the time he had appointed to see me there; thus manifesting, by his conduct, that an interview between us, was not deemed a matter of serious concern. In his letter of April 10th, he named the first of May as the time, to which he would wait my arrival at Pittsburgh; but he left that place on the 30th April, although he expected I should arrive there on the succeeding day. He proceeded to Nashville, as I believed, for the purpose of promoting his election to Congress; and finding his prospects in Tennessee, less flattering than he expected, he turned his attention to New Orleans, in the hope of being made the delegate from that territory. These facts are established by the deposition of Colonel Lyon, to which I have referred.

Colonel Burr and myself met at Massac, in the manner stated by Captain Hughes;§ and this meeting was not

* See Appendix, No. LXVIII.—Third Report Committee of Congress, Mr. Bacon chairman, page 334—341.

† See page 279, ante.

‡ See Appendix, No. LXIX.

§ See Appendix, No. LXX.—Third Report Committee of Congress, Mr. Bacon chairman, page 303—308.

the result of any previous concert between Colonel Burr and myself, but was occasioned by his detention at Nashville, which was wholly unexpected to him. For in his letter of May 19th,* written about the time of his departure from Louisville, he says, "the letters I had expected from you, may now be addressed to Orleans;" and in the same letter he expresses, in a friendly way, his regret at not seeing me, and his hope of meeting me in the autumn, at St. Louis. Every rational and candid man must see, at once, that the letters to be addressed to New Orleans, were, nothing more than, ordinary letters of introduction to my friends in that city and its vicinity; for if they had been intended to contain, matters of such high import, as treason or conspiracy, surely Colonel Burr would have waited one day for an interview with me, in order to prepare them with proper discretion, and to receive them without hazard. He would not have been willing to visit Orleans, without his credentials, and there waste his time, and delay his operations, until the mail, or some other more precarious mode of conveyance, should bring him the important treasonable budget.

When I met with Colonel Burr at Massac, he had but little hope of success in Tennessee, as may be seen by the deposition of Colonel Lyon, but believed he might be returned from New Orleans. It may readily be conceived, that Colonel Burr communicated, his fears and his expectations on this subject to me; as I had, in conjunction with Colonel Lyon, suggested to him the plan of election in Tennessee.—He certainly did so; and it then became necessary on my part, to give him something more than letters of mere introduction, as I earnestly wished his election, and thought it in my power, to aid him effectually in New Orleans. I forbear, Sir, as it is not, from the nature of the transaction, susceptible of proof, to remark on that part of his electioneering plan, which had for its object, the removal of Governor Claiborne from office; who was known to have many enemies in

Burr changes his plan of election to Congress, from Tennessee to New Orleans.

* See Appendix, No. LXIX.

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New Orleans, and, among the number, Daniel Clark was not the least distinguished, for the rancour of his hostility. It was believed that these men, would most zealously support the election of Burr, if assured of his aid, in displacing the officer they wished to be removed. The letter* I wrote on this occasion, and for this purpose, to Daniel Clark, is brought forward to convict me of a participation in the conspiracy. In this letter, after introducing Colonel Burr and speaking of him, as I then thought he deserved; I added, "*To him I refer you for many things improper to letter, and which he will not say to any other;*" and this expression is now relied on, as proof of my guilt. Mr. President, after the narrative I have already given, can any unprejudiced mind believe, the expression just quoted, if it stood alone, alluded to any thing but Burr's views to his election? I was then writing to one of the most important men of the territory, and a most vehement opponent of Governor Claiborne; and I endeavoured to preserve, as it became me to do, a proper delicacy towards Colonel Burr, who was to be the bearer of the letter, and who would, no doubt, have preferred the appearance, of yielding to solicitations to become their delegate, instead of sueing for the appointment; and it would have been indecorous in me, to proffer terms and conditions, to the voters of the territory, in behalf of Colonel Burr, to induce them to support his views. But let me be judged by the letter itself, and not by scraps cut out to criminate me. In the very next sentence, I say, "*I shall be at St. Louis in two weeks, and if you were there* we could open a mine—a commercial one at least." Now, amidst all the acts of folly and madness, imputed to me by my enemies, it is impossible they can believe, that I could seek to enter into extensive commercial speculations, at the moment when I knew a civil war was about to commence; or, that I could be frantic enough, to suppose any commer-

General Wilkinson proposes a commercial enterprise to Daniel Clark.

* See Appendix, No. LXXI.—First Report Committee of Congress, Mr. Butler chairman, p. 156.

cial adventure could become profitable at St. Louis, amidst the scenes of violence and tumult, which must have ensued an attempt to dissever the union;—and, if the conspiracy was intended for an expedition against Mexico, it is equally incredible, that I should desire to have my funds, and those of my friends, scattered and entangled, in commercial arrangements at St. Louis, when they would all have been needed, in equipping the expedition; and when, too, that act of infidelity to my country, would instantly and forever, have banished me from the *scene of our commercial speculations.*

It is, fortunately, in my power to show, by the testimony of Mr. Clark, in his own hand writing, that my commercial designs, alluded to in his letter, had a real existence, and a fixed and legitimate object; and were in no way connected, with the separation of the states or an expedition to Mexico. For it appears from Mr. Clark's letter to me, of the 17th Jan 1806,* that in a letter to him of Sept. 14th, 1805, I had more fully and particularly, opened to him my commercial views, and wished him to engage in the fur trade at St. Louis. It is too absurd, for a moment's consideration, to charge me with the attempt, to engage Mr. Clark in the vast objects of Burr's conspiracy, and at the same instant, to propose to him an extensive establishment in the north-western fur trade, which could hardly have been carried into operation, before it would have been completely deranged, by the effects of such conspiracy.

Colonel Burr, on his arrival at New Orleans, became acquainted with the old Mexican association,† and find-

* See Appendix, No. LXXII.

† Extract from the deposition of Lieutenant Spence.

"*Question.* When in New Orleans, did you hear any thing of a club, or association, for the invasion of Mexico?

"*Answer.* I did understand that there had been, for several years, a club called the Mexican association, which had been formed for some years, for the purpose of discussing the means of emancipating

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ing Daniel Clark leagued in it, had the address to induce him to believe, that I, together with the army, would be ready to unite in the expedition; and, in order to give spirit and vigour to the conspirators, persuaded Mr. Clark, that the obscure expression in my letter, had reference to the plan of invading Mexico. This, I believe was the case, and that this device, of Colonel Burr, excited Mr. Clark to write me the letter of Sept. 7th, 1805.*

He was not willing to hazard his own safety, by confiding entirely in Colonel Burr's statements, and wrote this letter for the purpose of sounding me, and ascertaining the truth of Burr's communication; by the affectation of levity in one place, and the air of apparent earnestness which he assumes in another, when writing of his land titles, he supposed if Burr had deceived him, he would screen himself from suspicion; and if I was really disposed to join in the expedition, my answer would not fail to betray my inclination. The opinion I have before expressed is confirmed, past doubt, by Clark's next letter† to me, dated April 14th, 1806, before he had received my answer to the former. In this letter it will be found, Mr. Clark more distinctly hints at the design, and more perceptibly betrays his hopes of co-operation. The emphasis laid in the original, on the underscored phrases "*land of promise,*" and his "*interchange of useful information,*" with the Mexicans, renders it evident, that

Clark's letter of 14th April 1806, to General Wilkinson.

Mexico. I heard it spoken of by many persons. I recollect mentioning this association to Colonel Burr.

"*Question.* Did he enquire about it in the first instance, or did you mention it?

"*Answer.* I think, I first mentioned it to him.

"*Question.* Did he speak of it, as a thing before known to him?

"*Answer.* He did. He said that he had been solicited to become a member, but had disclaimed having any thing to do with it."—Third Report Committee of Congress, Mr. Bacon chairman, p. 314.

* See Appendix, No. XXXIII.—Third Report Committee of Congress, Mr. Bacon chairman, p. 475.

† See Appendix, No. LXXIII.—Wilkinson's Defence, p. 83, 84.

something more was meant by Mr. Clark, than would be understood by any one unacquainted with the scheme, and ignorant of the existence of the conspiracy; and this useful information, it seems, Mr. Clark wished to communicate to me.

Although subsequent events have now laid bare Clark's intrigues, to the eyes of every observer, his inuendoes could not, at that time, be understood, but by those initiated in the plot, and were therefore lost upon me. My letter of March 8th, 1806,* which was written between five and six months after Burr's visit to me at St. Louis, clearly manifests my belief, that the story of Burr and his conspiracy, was a "*tale of a tub,*" and unworthy of attention. This letter is in answer to that of Clark's, dated Sept. 7th, 1805, and shews, that I then considered that part of it which related to his land titles, the only circumstance worthy attention, which it embraced; for almost the whole of my letter, is taken up with that subject, and manifests, that I was laboriously employed, in my endeavours to secure those titles for him. If I had believed the country was soon to be severed from the union, and pass under the dominion of men, acknowledging no law, but what their own interest or ambition prescribed; I could not have supposed, the admission of Mr. Clark's disputed land titles, by the United States, to be worth half the labour I had bestowed upon them.

General Wilkinson's letter to Daniel Clark, March 8th 1806.

The reception of this letter, convinced Mr. Clark of my fidelity to my government, and that any impressions he had received to the contrary, were founded in deception; it seems also to have filled him with alarm, lest he had, in the ardour of his communications to me, gone so far, as to excite my suspicions, and discover his ambitious designs. In proof of this, I offer his letter† to me, of June 16th, 1806, written in a style most conciliatory and flattering; begging my advice for his government,

* See Appendix, No. LXXIV.—Third Report Committee of Congress, Mr. Bacon chairman, page 477.

† See Appendix, No. LXXV.

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in the political course which he had just entered on, and appearing to give himself up, to my counsel and direction.

The "*good cause*," of which, Mr. Clark speaks in this letter, has reference, obviously, to his opposition to Governor Claiborne, which I have before mentioned, in my remarks on my letter by Colonel Burr. It is notorious, that at the time this letter of Clark's was written, and for some time before, Governor Claiborne and myself, were hostile to each other; and I should then have been pleased, to have seen him removed from the office he filled. But it is here proper to observe, that our differences were entirely reconciled, at the house of a Colonel Fulton, near the Rapids of the Red River, in September, 1806. In the friendly explanation which then took place, I discovered that the very men, who sought to embroil me with the Governor, were, at the same time, perfidiously repeating my conversations, and exposing my correspondence to him, whenever an irritating expression, could be drawn from me.

Amicable explanation of Governor Claiborne and General Wilkinson.

In proof of the continued, and unabated faith of *Mr. Clark*, in my integrity and patriotism, (whatever he may now find it convenient to say, or to swear to the contrary) I adduce *his letters to me* of October 2d*, 1806, *and of February 22d*, 1807, which bear testimony to his confidence in language that requires no comment.

It would be in vain, for my accusers to assert, that *Clark's letter of September 7*, 1805, was written, under suspicions of my fidelity to the government, and designed, merely, from patriotic motives, to extract the secret, in order that he might warn the country of its danger. Because the letter itself shews, that he was just embarking on a distant commercial enterprise; which, he knew would necessarily occasion an absence of many months, and prevent his hearing from me till he returned. To these proofs of the integrity of my motives and conduct,

* See Appendix, No. LXXVI.—Third Report Committee of Congress, Mr. Bacon chairman, page 478.

it is proper to add, Colonel Burr's letter* to me of July 30th, 1805, immediately after his visit to Orleans; written in the careless, easy language of friendship, and without any mysterious expression, on which the strongest malevolence can raise suspicion. In this letter, if an opportunity offered from Nashville or Lexington, he promised to detail, "the incidents of his three weeks visit to New Orleans;" incidents certainly not improper to be written, as far as I was to be informed, because he promises to write them; and certainly not treasonable or criminal, or he would not have been so willing to write them; "if some occasion," as he expresses it, "should offer from Lexington or Nashville." I could not suppose, these incidents related to any thing, but his electioneering project, in which he knew I took a warm interest, and the fate of which he knew, I was anxious to learn.

If I could stoop to owe any part of my vindication, to such a wretch, as Thomas Power, I might here strengthen the argument, I have just used, by the proof he has furnished, if, indeed, his oath should be received in any case. He has voyaged from New Orleans to this place, in the hope of convicting me by his testimony, and no doubt, expected what he said on this subject, as well as on other points, was calculated to effect his purpose. But if the contents of the letter of introduction, Burr carried

* *Ferry of Tennessee River, July* 30, 1805.

"My Dear General,

"Parting, unexpectedly, at this place with Captain Bissel, who had intended to go on with me at Nashville, I can only say *Bon jour.* I am on my way to Lexington, and hope before 1st September, to take you by your hand at your palace. Till then, unless some occasion should offer from Lexington, or Nashville, I must reserve the pleasure of detailing the incidents of my three weeks visit, to New Orleans. You are remembered there with affection, and regret. Having heard nothing from Secretary Browne, I cannot suppose that he is yet with you.

"Most affectionately and faithfully,

"Yours,

(Signed) "A. BURR."

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from me to Gilbert Leonard (who is allied by marriage to one of the most opulent families in the country), were such as Power has stated, it would most clearly demonstrate, that my impressions of Burr's designs in New Orleans, were such as I have already insisted on; and that the prospect of removing, an unpopular Governor, was believed, by me, to be a powerful mean of promoting his election. Nothing could more fully prove, that I, at that time, had no knowledge of Burr's conspiracy, and that I intended in the letters, I gave him, merely to aid his scheme of election. But I can receive no aid, from the testimony of Thomas Power, and therefore shall rest my defence, on this point, on the ground I had before taken.

Letter to General Adair from General Wilkinson.

The letter to General Adair, dated, "Rapids of Ohio, May 28th, 1805," is also adduced as evidence against me. This letter is prior, to some of the papers and incidents, on which I have already remarked; but it has been my desire, to present a connected view of my intercourse with Colonel Burr, from the period of his departure from the city of Washington, to that of his return from New Orleans: I will now proceed, to examine such parts* of this letter, as appear to bear on this enquiry, and shall account for my acquaintance with General Adair.

It will be remembered, that in the year 1805, we were disputing with Spain, as we still are, about the true boundaries of Louisiana, which we had recently purchased from France; and many of the best informed politi-

* Extract of a letter from General Wilkinson to General Adair, dated Rapids of Ohio, May 28th, 1805.

"I was to have introduced my friend Burr to you, but in this I failed by accident; he understands your merits and reckons on you. Prepare to visit me and I will tell you all. We must have a peep at the unknown world beyond me. I shall want a pair of strong carriage horses, at about $120 each, young and sound, substantial but not flashy.

"*P. S.*—Write me private."

See First Report Committee of Congress, page 166.

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cians in the country, expected our disputes would be decided by the sword. I thought highly of the military talents of General Adair, who had served under me; I had patronized and employed him, during the Indian war, and his conduct gave me such satisfaction, that I had warmly recommended him, to the government for a commission. In proof of which, I beg leave to introduce, the following extracts of my letters, to Doctor M'Henry, secretary of war, in the General's favour, bearing date, June 10th, 1797, and July 24th, 1803. In the first of which, I thus expressed myself: "I think that the appointment, and levy of a regiment in Kentucky, would produce happy consequences, in such case General Adair should have the command, he is a man of military soul." And the last is conceived in the following terms: "Of all the military officers in Kentucky, General Adair has greatly the advantage,—he is moulded by nature for military life; but is a Major-general, and should we ever act together, you must give me a brevet, or he will claim the command, though he has frequently served under me, once as my aid de camp."* These testimonials shew, that in the event of a war, I was desirous General Adair should hold a distinguished command under me. I was in habits of great intimacy with him, and considered him my friend. He was known, to have many friends in Tennessee, and supposed to possess influence in that state, which might be exerted with some effect, in favour of Colonel Burr's election to Congress. With this view, as I believed, at the time, Burr in his letter to me, of March 26, 1805, from Philadelphia, requested a letter to Adair, in the following terms: "a letter to Adair would be acceptable." In this place permit me to remark, that the circumstance of Colonel Burr's asking for this letter, after he left Washington, is conclusive proof, that we had made no arrangements, while there, concerning the let-

Testimonials in favour of General Adair.

Colonel Burr requests a letter of introduction to General Adair.

* These extracts are certified by Ninian Pinkney, then a Captain in the first regiment of infantry, and now a Lieutenant-colonel in the second regiment.

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ters I had promised him to my friends in the west; and the terms in which this letter to Adair is requested, prove, that Colonel Burr desired it as a personal favour to himself, and not to promote an object, in which we were jointly interested. He does not say, that the letter would be "*advantageous*," or might "*promote our views*," or in any shape convey the idea, that I had any interest in the effect, the letter to Adair might produce; but he says, the letter would "*be acceptable;*" or in other words, a favour conferred upon him.

Expecting to meet Colonel Burr at Pittsburgh, I did not furnish him the letter, for Adair, which he had requested. In this expectation I was disappointed, in the manner already stated; and receiving, on my arrival at the Falls of Ohio, Burr's letter of May 19th, (already noticed) which he had left there some days before; I discovered, that I should not have an opportunity, of making him the bearer of a letter of introduction to Adair. It is not, Mr. President, my habit to neglect my friends, when I think I have the power to servo them. I had no reason, at the time I am speaking of, to suppose, Burr's prospects in Tennessee, less flattering than he had expected to find them. He had asked me for a letter to Adair, and being desirous to promote his election to Congress, by all the means in my power, I wrote that which we are now discussing. It was to the election I certainly alluded, when I said to Adair, "*Colonel Burr understands your merits, and reckons on you,*" that is, on the political standing of Adair, and the exertion of his influence, in support of his (Burr's) election; and this was the chief design of the letter in question. But writing, as I then did, to a man of my confidence, and under the impression, I before stated, that a war would soon take place with Spain, and that this man, would, in that event, hold a distinguished command, in the forces of the United States, I added, "*prepare to visit me, and I will tell you all; We must have a peep at the unknown world beyond me.*" But because these expressions, are immediately connected with Burr, my accusers insist that they must

Wilkinson's letter to Adair, examined and explained.

relate to his meditated conspiracy. They might as well say, that the language which immediately follows, viz. *"I want a pair of strong carriage horses, at about $120 each, young and sound, substantial, but not flashy,"* relates to the same subject, and that I wanted these horses, to drag my carriage through the wilderness, when I should march to invade Mexico, at the head of the conspirators. The fact is, the letter was written in haste; for I tell him in the postscript, *"I shall sail in an hour;"* and different subjects were alluded to in a few words, and follow each other in rapid succession, as evidently appears by the whole contents of the letter. As to the words in the postscript, "write me private," if any argument is intended to be drawn from them against me, it is fully answered by barely remarking, that I filled the office, of Governor of Louisiana, and was just about entering upon the duties of the station, and that it was to prevent, the private letters of my friends, from being opened in my absence, by the secretary of the territory. The precaution suggested to General Adair, is known to be universally practised, in the correspondence of men holding official situations, similar to that, in which, I was then placed. It must also be recollected, that the letter was written, at the very moment, when Captain Peter proves, I was eagerly engaged in the canal scheme, from which, I was fondly flattering myself, with the hopes of an ample fortune; written, too, from the very spot itself, and, at a time, when I had just obtained a profitable and honourable civil office, in addition to my military appointment. Let any honest and reasonable man, lay his hand upon his heart, and say whether such a letter written under such circumstances, could have any criminal design.

But, Mr. President, I have conclusive evidence, that the meaning and objects of this letter were entirely innocent. The letters of Adair, himself, to me, of Dec. 31st, 1805, Jan. 27th, and April 17th, 1806,* all written long

* See Appendix, No. LXXVII.—Third Report Committee of Congress, Mr. Bacon chairman, page 342—345.

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Adair's correspondence, shewing his connexion with Burr.

after the letter under consideration, furnish this proof unequivocally. These letters go far to ascertain, what has never been doubted by any candid man in possession of facts, that Adair was connected with Burr in his sinister project; and understanding my letter to him, in the manner I have explained it, and being sensible of the integrity of my principles, he cautiously concealed the plot from me. But whether Adair, was or was not concerned with Burr, it is certain that my letter to him, and his subsequent interview with Burr, did not criminate me in his opinion. And after Burr's conversation at St. Louis, had shaken my own confidence in him, Adair, in his letter to me of Jan. 27th, 1806,* in answering my enquiries, as to the real object of Burr's visit to the western country, makes no allusion to the letter of May, 1805, now produced to criminate me; nor does he use any language, indicating his belief, that I was privy to Burr's views; but tells me, as he would a perfect stranger to the subject, that Burr's visit to the western country, was "ONLY TO AVOID A PROSECUTION IN NEW YORK." It will not, Sir, be forgotten, that this letter from Adair, was written after Burr had returned to the Atlantic states, and after Adair had seen him; therefore, if my letter had alluded, to any previous conspiracy between Burr and myself, Adair possessed a full opportunity for explanation. The letters to Clark and Adair, which have been adduced in testimony against me, were written on my journey to St. Louis, the place of my residence, as governor of the territory of Louisiana.

Major S. Hunt's romance.

I called at Kaskaskias, in my route to St. Louis, about the 28th of June, 1805, and Major Seth Hunt, in company with several gentlemen of that village, attended me to the river Mississippi, a distance of three or four miles; and this unexpected courtesy, furnished the Major with an opportunity, for the invention of a most silly and malicious tale. Were I to admit his testimony to be true, what does it establish? If, I had at that period con-

* See Appendix, No. LXXVII.

templated some scheme, by which I believed fortunes were to be made, and had assured Major Hunt, "*that the situation was a distant one, full of danger, requiring enterprise, but if successful, full of fortune and glory,*" as he has, with a brazen face and seared conscience, sworn before this court; would it follow, that this scheme was an unlawful one, or in any way connected with the conspiracy of Colonel Burr? on the contrary, might it not be a fair and honourable object, at which I hinted? Might it not relate to the fur trade of the north-west, which occupied my attention, as my correspondence with Daniel Clark will prove? or the exploration of the interior of the territory, bordering on the Mexican provinces, as I had been ordered to do? both of which were considered the avenues to wealth, and have since actually attracted the enterprise, of individuals and of companies. The Major was a young man, whom I had never before seen; yet, no injunction of secresy was imposed on him—no wish for concealment expressed, as appears from his examination before this court. Such conduct on my part, manifests incontestibly, that no fear of discovery was felt, and of course, no consciousness of a sinister design existed. It is evident, from the testimony of Colonel M'Kee, on which I shall presently remark, that I did calculate on a war, between the United States and Spain about that time; and, in such event, I thought it probable, that I should lead an expedition against Mexico, under the orders of my government. If, therefore, the observations imputed to me, by Major Hunt, were made by me, they probably emanated from those impressions. But, Sir, I have no recollection of this conversation, and therefore cannot admit or believe that it occurred, merely because Major Hunt *swears to it.* He has been proved, before this court by Major Russell and Captain Taylor, to be my most bitter and malignant enemy; and, so late as the year 1808, to have declared in the presence of Captain Taylor, "*that he had been so ill treated by me, that he felt himself at liberty to abuse me as much as he pleased;*" and, is it reasonable to believe, that

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Major Hunt's declaration by Captain Taylor.

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with such violent prejudices on his mind, his malignity could be restrained by the bond of an oath? or, should he be credited, after it has been made manifest to the court, by the testimony of Captain Hughes, an officer of distinguished honour, that MAJOR SETH HUNT, WAS GENERALLY REPORTED AT ST. LOUIS, (WHERE HE WAS WELL KNOWN) TO BE "DESTITUTE OF PRINCIPLE, HONOUR, AND INTEGRITY?" I QUOTE THE VERY WORDS OF CAPTAIN HUGHES.* When Major Hunt is found to be thus malignant, and, at the same time, thus "destitute of PRINCIPLE, HONOR AND INTEGRITY," can any candid person put faith in his testimony? For what security can we have, that Major Hunt was not exercising, before this court, the right he claimed, in the presence of Captain Taylor—"TO ABUSE ME AS MUCH AS HE PLEASED."

Major Hunt's character, by Capt. Hughes.

I must solicit the court to bear in mind, that Major Hunt represents he endeavoured in vain, to extract from me the secret. He pressed me, but I refused to be more explicit, alleging that my plans were not sufficiently matured. This conversation took place, according to the Major, on the 29th of June, 1805, on my way to St. Louis. Contrast this testimony, I beseech you, with that of his sympathetic friend, Major Bruff, whose deposition† is also brought forward against me, and who met me on my approach to St. Louis, on the 2d of July, only three days after the time spoken of by Major Hunt. Although Hunt makes me say that my plans, at the time of my interview with him, were not matured, and declares that his pressing solicitations could draw nothing more from me, than the unintelligible hint, to which he has deposed; yet acccording to Major Bruff, I was eager and impatient to divulge the secret to him. "*He seemed,*" says Bruff, "*to have something more to say, but an officer who steered the barge sat near, and seemed to keep him in check.*" And he further deposes, "*when we had*

Major Bruff's story.

* See Appendix, No. LXXVIII.

† See Third Report Committee of Congress, Mr. Bacon chairman, p. 207.

landed, and were waiting for the escort to St. Louis, I drew him aside, and whiled away the time in idle conversation, until the moment the escort arrived; that I then appeared on the point of communicating something, when several Frenchmen, from St. Louis, had found us out, and were rushing through the bushes on us. I damned the intrusion," says Bruff, *"regretted I could not make the important communication then, but promised to do it, when we got settled at St. Louis."* And so impatient was I to disclose this important project to Major Bruff, that, agreeably to his testimony, *"a day or two after my arrival at St. Louis, I sent for him twice in one day, before and after dinner."* But, on both these occasions, instead of relieving myself from the burthen, that lay so heavy on my heart, I unluckily engaged him in a warm dispute about politics, and in the end, as the Major represents it, *"quarrelled with him, and turned him out of the room."* But notwithstanding these repeated disappointments, I was still resolved, not to be foiled in my design of making the *"important communication;"* so well were my *plans matured*, and so completely *my inclinations changed*, since my *interview with Major Hunt*. Accordingly, the day after these quarrels, I sent again for Major Bruff, and after the proper preparation of *"musing attitudes,"* and *"cast down eyes,"* of which the Major gives a very *scenic representation*, I approached the grand discovery and said, *"I have now a grand scheme in contemplation, that will not only make mine, but the fortunes of all concerned—and then paused, as if waiting the Major's reply."*

In this part of the story, there is perhaps some difficulty in discovering, why I should have *paused for a reply*, or what *reply* could have been *expected;* for, as I was to communicate, and he to listen, the natural course would seem to have been, that I should talk and he should hear. Of this opinion was the Major:—he was silent:—but strange to tell! without any reply from him, I *"appeared,"* as the Major swears, *"disappointed, vexed and agitated, while walking the floor a few turns, then threw open the door and walked out."* So that although I HAD QUAR-

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RELLED WITH HIM TWICE THE DAY BEFORE, AND TURNED HIM OUT OF THE ROOM FOR TALKING; I NOW QUARRELLED WITH HIM AND TURNED HIM OUT FOR NOT TALKING. In either case, the painful secret could not be disclosed; Although I longed TO TELL IT, and the Major wished TO HEAR IT, yet unfortunately, AT ONE TIME, THE STEERING OFFICER;—AT ANOTHER THE FRENCHMEN RUSHING THROUGH THE BUSHES, prevented the communication. On two occasions it could not be told, because the Major TALKED TOO MUCH; and at the fifth and last interview, it could not be told, because HE TALKED TOO LITTLE; or in other words, because HE LISTENED.

All those long tales, of important communications and grand schemes, have been fabricated, Mr. President, to prove that I was concerned in Burr's conspiracy. And that I took the singular method just stated, to ingratiate myself with Major Bruff, to seduce him from his duty, and render him the fit and safe depository, of my criminal designs. I cannot bring myself to dwell longer on those extraordinary depositions.* Indeed I should not

* The reader is referred for the extraordinary testimony and deposition of Major Bruff, to Burr's Trial, page 279, and to the Report of the Committee of Congress, of which Mr. Bacon was chairman, page 205,—embracing in the former twenty printed pages quarto, and in the latter thirty-three pages. They are not recorded in this work for two reasons, viz. their great length, and the rancorous spirit with which they teem from beginning to end. Such evidence was never before presented to a court of justice, or admitted to record by a judicial inquest,—it is made up of opinions, conjectures, deductions, hearsays, personal complaints, declamation, abuse, fictions and falsehoods, and if admitted to credit, proves nothing more than the revengeful disposition of a most envious and malignant wretch. The following observation was made on Major Bruff's testimony, at the conclusion of his evidence before the court at Richmond, *by Mr. Hay, the United States Attorney-general for Virginia*:

"NOT A WORD IN THE LONG AND LABOURED NARRATIVE OF MAJOR BRUFF, WAS TESTIMONY APPLICABLE TO THE CASE." See Burr's Trial, page 306.—And for the same reasons, and because it really exhibits nothing relevant to this enquiry, I decline publishing the testimony of Major Seth Hunt; whose groundless charges of "ill treatment from me," have been examined in the first volume of this work.

have thought it worth as much notice, as it has received, had not Major Bruff's "MUSING ATTITUDES," "DOWN CAST EYES," and "GRAND SCHEME," FORMED THE GREAT ORIGINAL, from which William Simmons and Seth Hunt, appear to have borrowed their THEATRICAL REPRESENTATIONS OF MY ATTITUDES, MANNERS AND CONVERSATION. This chaste, charitable and dignified trio, would impress the belief, that, at the several periods spoken of by them, I mysteriously alluded to Burr's projected conspiracy, and indicated my participation in it; and, thus, affect to describe, with great precision, my *gestures* and *manners;* as if the part assigned to me by the conspirators, was merely that, of rousing the government to vigilance and precaution, by exciting the suspicions of its officers. For I am apprehensive I shall hardly be believed, when I say, *that each of these three witnesses, held commissions from the United States, of high trust and responsibility, at the times to which they respectively refer!!!* And what is still more extraordinary, no attempt appears to have been made by me, to corrupt either of them, after I had excited their curiosity and suspicion; unless indeed, "MY CAUTION TO SIMMONS," against engaging rashly "IN THE MYSTERIOUS PROJECT," MY QUARRELS WITH MAJOR BRUFF, and my INFLEXIBLE RESERVE TOWARDS MAJOR HUNT, be considered as arts of seduction.

If the deposition of Major Bruff merited a serious answer, it would be an easy matter to confute his statements, and invalidate his testimony. I will barely, on this head, refer the court, to the deposition of Lieutenant Ambrose Whitlock,* *contradicting the assertions of Major Bruff*, respecting the interview between us, when he met me on my approach to St. Louis. I refer also, to Major Bruff's testimony, in Burr's trial, (page 299) where he swears, "*he was subpœnaed to attend the court,*" and in the same book (page 301), where he admits "*he was not*

Deposition of Lieutenant Whitlock, contradicting Major Bruff.

* See Appendix, No. LXXIX.—Third Report Committee of Congress, Mr. Bacon chairman, page 241.

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subpœnaed;" and also to his testimony, in the same book, (page 282) wherein he swears, that in our first interview at St. Louis, "I LOCKED THE DOOR," but when he found it could be proved, by an host of witnesses, that the door of the room to which he alluded, had no lock to it, he in his deposition delivered to the committee of Congress, swears, that I "FASTENED THE DOOR."*

* See Third Report Committee of Congress, Mr. Bacon chairman, page 209.

CHAPTER IX.

Testimony of Colonel M'Kee, before the court at Richmond, compared with his deposition furnished a committee of Congress.—Colonel Burr visits General Wilkinson, at St. Louis.—Captain Hughes's deposition.—Letter to Governor Harrison from General Wilkinson, respecting Burr.—Burr's letter to General Wilkinson, dated, September 26, 1805.—The same to the same, April 16, 1806.—Reference to General Wilkinson's letter to Burr, respecting Miranda.—Letters from Burr to General Wilkinson, examined, bearing date, December 12, 1805, and January 6th, 1806.—President Adams's letter to General Wilkinson.—Doctor I. F. Carmichael's deposition.—Orders from the Secretary of War to General Wilkinson.—His answers to the Secretary of War.—General Wilkinson's orders to Colonel Cushing.—Reflections on Burr's letters.—Observations on the communication made to the Secretary of the Navy, in September, 1804, respecting Burr.—Particular remarks on Burr's letter of April 16, 1806, and the orders of the Secretary of War to General Wilkinson.—The embarrassments of General Wilkinson.—He determines to draw from Burr his real objects, and for this purpose writes to him.—General Wilkinson avoids hostilities with the Spaniards.—The effect such hostilities would have produced on Burr's project.—Samuel Swartwout, the messenger of Burr, pursues General Wilkinson.—Interview with Swartwout, at Natchitoches.—His account of his journey.—Extract from L. W. Tazewell's testimony before the court, at Richmond.—Burr and Dayton's letters of the 24th, and 29th July, to General Wilkinson.—Observations on the letters of Burr and Dayton.—Determination of General Wilkinson.—He expects to fight the Spaniards.—Letters of the Spanish Governors Cordero and Herrara to Colonel Cushing, Governor Claiborne, and General

Wilkinson.—Swartwout leaves General Wilkinson's camp, October 18.—General Wilkinson writes to the President the 20th, and 21st October, and to Colonel Freeman the 23d.—Lieutenant-colonel Smith's testimony. —Perplexity of General Wilkinson's situation.—His communications produce the President's proclamation.— —Colonel Burling's deposition.—Reference to correspondence with the Spanish Governors.—General Wilkinson makes an amicable adjustment with the Spaniards without bloodshed.—Returns to Natchitoches, the 5th of November.—Despatches Major Porter with a detachment for New Orleans, and writes to Lieutenant-colonel Freeman, November 7th.—Letter from Bollman enclosing one from Dayton.—General Wilkinson receives a letter from W. L. Donaldson esq.—Leaves Natchitoches for Natchez.—General Wilkinson writes to the President the 12th November, by Mr. Isaac Briggs.—His letters to Governor Claiborne, and Lieutenant-colonel Freeman the same day.

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Colonel M'Kee's testimony.

I now invite the attention of the court, to the deposition of Colonel M'Kee, delivered to the committee of Congress, of which Mr. Bacon was chairman. I refer to this deposition,* to which I have before alluded, for the purpose of shewing, that in the autumn of 1805, I considered a war with Spain inevitable, and that *I did* in that event contemplate an expedition to Mexico, under the sanction of the government. The letter of Colonel M'Kee, written so long ago as February 26, 1806, in answer to my proposition, shews, that the expedition contemplated, was such as I have stated, and such as he has deposed to. In the printed copy of Burr's trial, this letter is, by mistake I presume, made to bear date, February 26, 1807; but the true date is 1806, as is manifest from the whole of Colonel M'Kee's testimony, and

* See Appendix, No. LXXX.—Third Report Committee of Congress, Mr. Bacon chairman, page 252 3.—Burr's Trial, page 22, Second Series.

because in 1807, Burr's project had been defeated. If, therefore, about this time, *I had* indistinctly hinted at a distant and splendid enterprise, the testimony furnished by Colonel M'Kee, to whom I fully explained myself, proves, that I had no intention to violate any law, moral or political; and that a peace with Spain, would put an end to the enterprise. It is true, Sir, that the testimony of Colonel M'Kee on Burr's trial, is now produced against me; but his testimony on that occasion, is so fully and satisfactorily explained, by the deposition and letter, on which I have just remarked, that I cannot deem it necessary, to detain the court longer on this subject. I will refer to one more letter* from Colonel M'Kee, of February 16, 1807, and close my observations on his testimony.

Colonel Burr's movements during the summer and fall of 1805.

I now return to the movements of Colonel Burr in the western country, during the summer and fall of 1805. I have already traced him to the 30th of July, at which time, he had left New Orleans, and reached Tennessee River on his return; in his letter of that date, he expressed his expectation of visiting me, at St. Louis, by the 1st of September following. He did visit me about the middle of that month. Memorable period!—for it was then, that the unlimited confidence I had reposed in Colonel Burr, during an intimacy of many years, was impaired, and for the first time in my life, I could not avoid feeling towards him, something like distrust and suspicion. I proceed to shew how I acted, under these new and painful impressions.

As the private communications at St. Louis, between Colonel Burr and myself, are not in evidence before the court, and as it is out of my power to prove them by any other testimony than my own oath, it would be improper for me to detail them in my defence; it will suffice to say, that his altered and mysterious manner; his unexplained hints of a splendid and brilliant enterprise, excit-

The altered and myste-

* See Appendix, No. LXXXI.

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rious manner of Colonel Burr excite General Wilkinson's suspicions.

ed my suspicions; and although he spoke of this enterprise, as being countenanced by government, his unusual manner and unusual reserve, would not permit me to give entire confidence to this assurance; I feared that ambition and revenge, were leading him from the path of his duty. And how, Mr. President, did I act, in this delicate and painful conjuncture? Did I connive at his schemes? Did I conceal them? Let the testimony* of Captain Hughes speak for me.

General Wilkinson communicates his suspicions to government.

Thus it is proved, that so soon as my suspicions were awakened, I communicated them to the government. If I had stopped here, and done nothing more, I should have discharged my duty. I had fairly warned a member of the cabinet; it then became the duty of the government to watch his motions, and take the proper steps to defeat his designs. I must hold this single fact, proved by Captain Hughes, to be conclusive, in my favour, on this branch of your enquiry. I could not be leagued with Burr, because I did not hesitate as to the course I should take. I attempted to put the government on their guard, as soon as I suspected there might be danger, and in season to defeat any illicit project, which might be contemplated. For my letter, to the secretary of the navy, is proved to have been written, and sent to the post-office at Cahokia, soon after Colonel Burr left me, in September, 1805; a year before the conspiracy was matured and ready for explosion. I was not content, Mr. President, with the bare discharge of my duty. I did more.—To save from disgrace, the man, who had so long been my friend, and to save my country from the dangers and disasters, his irregular and enterprising spirit, might bring upon it; I sought to give to his distinguished talents, a proper object of ambition. My anxiety and my feelings are so fully depicted, in my letter to Governor Harrison, of the Indiana Territory, written on that occasion, and of which Burr himself, was

* See Appendix, No. LXX.

Letters written to Governor Harrison and Mr. Clark respecting Colonel Burr compared.

the bearer, that I must beg leave to introduce an extract* from it, which immediately relates to this subject.

Mr. President, the court cannot fail to remark, the striking difference between this letter, and that† which I wrote, on a similar occasion, to Daniel Clark, which has already been read, and received its comment. In the letter to Mr. Clark, I speak of Colonel Burr, in the strongest terms of affection, and only hint at his views, in respect to his election. I was then full of friendship and full of confidence. Doubt had now taken the place of confidence, and staggered my affection for Colonel Burr. I say staggered, Sir, but not destroyed; for I only doubted. I was by no means *convinced* of his illicit designs. This difference of feeling is distinctly marked, in the two letters. The court will not find, in this letter to Governor Harrison, those strong expressions of affectionate praise, which characterised the other. I even allude to my own suspicions, when I say, "*a boon per-*

* Extract of a letter from General Wilkinson to Governor Harrison, dated, St. Louis, Sept. 19, 1805.

"Shall I say in return, I have a boon to ask of you, of no ordinary import? No, I will not! because the commutation would dishonour my application; but I will demand from your friendship a boon, in its influence and effects, co-extensive with the union; a boon perhaps on which that union may much depend; a boon, which may serve me, may serve you, and disserve neither; a boon, which from my knowledge of men, motives and principles, will be acceptable to those, whose politics we are bound to support. If you ask, what is this important boon which I so earnestly crave? I will say to you, return the bearer to the councils of our country; where his talents and abilities are all important at the present moment. But, you continue, how is this to be done? by your fiat.—Let Mr. Parke adhere to his profession: convene your Solomons and let them return him (Colonel Burr) to congress. If you taste this proposition, speak to him, and he will authorise you, if necessary, to purchase an estate for him in your territory"—See Third Report Committee of Congress, Mr. Bacon chairman, page 258-9.

In the printed report there is a typographical error, the word "secure" is twice used in the seventh line of the paragraph above quoted, instead of the word "serve."

† See Appendix, No. LXXI.

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haps on which that union may much depend."* And as times of danger are not times for delicacy, I speak openly and earnestly on the subject of his election.

Whether or not Colonel Burr was willing, at that time, to go into the councils of his country, and give to his ambition a patriotic direction, I could not decide. But certain it is, as my letter to Governor Harrison manifestly proves, I firmly believed his election to Congress, would wean him from any unlawful enterprise, he might have had in contemplation; and it is equally certain, that he taught me to believe he wished to be elected. In proof of this fact, I now present an extract from his letter† of Sept. 26th, 1805, seven days only after the date of my letter to Governor Harrison. But he was not more successful in his election in Indiana, than he had been in Tennessee, and New Orleans; and shortly after, he returned to the Atlantic states.

I have now, Mr. President, given a faithful narrative, substantiated at every step by irrefragable proofs, of my conduct in relation to Colonel Burr, during his visit to the western country, in the year 1805. The court cannot be at a loss to perceive, the situation of my mind in respect to him, at the time of his departure from St. Louis. I had imbibed doubts of the correctness of his views, but his return to the Atlantic states, had placed his movements beyond my view, and immediately under the eye of the government. I had warned a member of

* I have stated on oath, to the court at Richmond, that Colonel Burr, during his visit at St. Louis, speaking of the imbecility of the government, said, "it would moulder to pieces, die a natural death," or words to that effect; adding "that the people of the western country were ready for revolt."—To this I recollect replying, "that if he had not profited more by his journey, he had better have remained at Washington, or Philadelphia.—For surely" said I, "my friend, no person was ever more misiaken! The western people disaffected to the government! they are bigotted to Jefferson and democracy," and the conversation dropt.

† See Appendix, No. LXXXII.—Third Report of the Committee of Congress, Mr. Bacon chairman, page 199.

the cabinet "*to keep an eye on him,*" and of consequence my mind was at ease on the subject. My letter to Governor Harrison, and the deposition of Captain Hughes, furnish convincing proofs, that I had not then united with him, in any criminal project; and so little anxiety did I afterwards feel, about the designs in which he might then have been engaged, than in his letter* to me, of April 16th, 1806, he says, "NOTHING HAD BEEN HEARD FROM BRIGADIER (meaning myself) SINCE OCTOBER." I kept no copies of my letters to Colonel Burr, and cannot therefore speak with certainty as to their dates, or with entire precision as to their contents. But it was probable, that, about that time, alluding to the newspaper reports of the day, concerning Miranda's expedition, and reflecting on Colonel Burr's observations to me at St. Louis, to draw from him some explanation of the objects at which he had hinted, I used the expression, "I fear Miranda has taken the bread out of your mouth."† I do not know what effect this expression, which has been offered in evidence, is expected to have against me. It was voluntarily disclosed by me, on the trial at Richmond; and I presume it is not only law, but immutable justice also, that if the fact I then disclosed should be used against me, the circumstances connected and disclosed with it, are likewise to be admitted. I shall therefore dismiss this part of the testimony without comment.—It cannot require any. It is sufficiently explained in my testimony before the court at Richmond, from which it has been extracted, and brought before this court.

Colonel Burr's letter of 16th April 1806, acknowledging he had not heard from General Wilkinson for six months.

The first letter written to me by Colonel Burr, after his return to the Atlantic states, was on Dec. 12th, 1805,‡ dated at Philadelphia. In this letter, it is obvious, that Colonel Burr was insidiously endeavouring, to infuse

* See Appendix, No. LXXXIII.—Third Report Committee of Congress, Mr. Bacon chairman, page 202.

† Burr's trial, p. 188.

‡ See Appendix, No. LXXXIV.—Third Report Committee of Congress, Mr. Bacon chairman, p. 200.

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into my mind, jealousies and suspicions of the general government, and seeking to alarm the pride of a man, who he knew to be tenacious of his rank and honour. The design with which this was done, is too apparent to be misinterpreted: he wished to seduce me from my duty to the government, and to prepare me, for the criminal enterprise he had in contemplation. The very attempt to *corrupt* me, proves I was not already *corrupted;* and the insidious manner in which he commenced his attack, shews that he doubted of its success. Besides, the art and intrigue with which he approaches me, proves I had no participation in his plot. For why should I be mortified, at General Lee's appointment to the chief command of the army, if I was just about separating myself from all hopes of continuing in command of it, by uniting with Colonel Burr in his lawless design? Or how could I be supposed to feel any anxiety, concerning the confirmation of my appointment, as Governor of Louisiana, if I had been leagued in this conspiracy? These reflections could not have escaped a man of Colonel Burr's acuteness, and to them may be ascribed, the caution and reserve with which he concealed his real designs from me.

There is, indeed, an enigmatical allusion in this letter, to a certain "speculation;" but I could have no reason, at that time, to suppose "speculation," was used as a cant word for conspiracy, because the whole paragraph apears to be connected, in meaning, with "*the circumstances referred to in a letter from Ohio.*" And as there was, in truth, *a speculation in a canal, to be cut at the rapids of that river, in which Colonel Burr and myself were known to be engaged,* this letter might naturally be understood, to allude to that speculation. The letter referred to by Colonel Burr, "from the Ohio," I do not remember to have received; yet there was, in the whole paragraph, of which I am now speaking, an air of mystery, that, together with the unintelligible enquiry at the end, kept alive the doubts I had before conceived; and as General Adair's name was mentioned, and I placed entire confidence in his friendship and integrity, I addressed to

Canal speculation on the west bank of the Ohio alluded to.

Correspondence with General Adair.

him a letter of enquiry, which produced his answer* of January 27th, 1806.

This letter from Adair, then a senator of the United States, in whom I placed implicit reliance, was so well calculated to impose on me, that I confess, it fully answered the purpose for which it was written. He assures me, that "THE ONLY OBJECT OF COLONEL BURR'S VISIT TO THE WEST, WAS TO AVOID A PROSECUTION;" and in order the more effectually to remove the suspicions, which he found were awakened in my bosom, he tells me a plausible tale, of offers to Colonel Burr from New York, which, if not true, it was impossible for me to detect, at the great distance which separated us, and in the secluded spot where I was then placed. I could not wish stronger proof of my innocence, than the pains taken by Adair, to deceive and mislead me. It has been shewn by Doctor Carmichael in his deposition† that Adair was connected with Colonel Burr, and it cannot be doubted, that he was at the very time of his writing this letter, and those of December, 1805, and April, 1806, endeavouring to obtain information from me, for the use of the conspirators.

Colonel Burr's artful style of correspondence continued.

The next letter§ I received from Burr was dated, January 6, 1806; in which, there is no mysterious allusions to plans or speculations, nor any expression which could increase my suspicions. I shall, for the present, dismiss this letter with a single remark, that, like that of December 12th, it manifests Colonel Burr's perfect knowledge, of my desire to stand well with the government. A conspirator, on the eve of acting his part, could not be supposed to care much about the opinion of his government, in relation to a road through a wilderness. And, if Colonel Burr, knew me to be a co-con-

* See Appendix, No. LXXVII.

† See Appendix, No. LXXXV.—Third Report Committee of Congress, Mr. Bacon chairman, page 346.

§ See Appendix, No. LXXXVI.—Third Report Committee of Congress Mr. Bacon chairman, page 200.

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spirator, he would not have mentioned an incident, which (under such circumstances) must have been a matter of indifference to me.

These letters of Colonel Burr, connected with those from Adair, left my mind during the winter and spring of 1806, free from any uneasiness about Burr's designs; and it has been shewn, that I had not written to him after the preceding November. In the spring of 1806, my expectation of a war with the Spaniards, was confirmed, by the order of the 14th of March, received from the secretary of war, commanding me to reinforce our posts on the lower Mississippi; which order* was followed by another,† dated the 18th of the same month; urging me to hasten the reinforcements, and assigning for motive, the movements of the Spaniards on the Sabine. The first of these orders was received at St. Louis, on the 11th of April, and the second on the 25th of the same month, as appears by my answers‡ to the secretary of war.

General Wilkinson's anxiety to prevent hostilities taking place with the Spaniards, manifested.

The promptitude and alacrity with which I executed these orders, will be seen in my letters to the secretary of war, just referred to; and in my consequent instructions§ of May 6th and 8th, to Colonel Cushing. I must request the particular attention of the court to these instructions; because the caution I enjoin, my anxiety to prevent unnecessary hostility, and my positive order that "THE SWORD MUST NOT BE DRAWN, BUT IN THE LAST EXTREMITY," afford irrefragable proofs, of my humanity and of my zeal in the service of my country; and unequivocally demonstrate, that I could not be a partizan of the conspiracy then in embryo. For whether the design was to sever the union, or invade Mexico, a war with the Spaniards on the Sabine, would have re-

* See Appendix, No. LXXXVII.—Third Report Committee of Congress, Mr. Bacon chairman, page 358—361.

† See supra.

‡ See Appendix, No. LXXXVIII.—Third Report Committee of Congress, Mr. Bacon chairman, page 362—363.

§ See Appendix, No. LXXXIX.—Burr's Trial, page 244—247.

moved the army out of the way, and given a full scope to the conspirators. If Colonel Burr's design was to sever the union, Spain, at war with us, would gladly have aided him;—if to invade Mexico, the war would have furnished a most desirable pretext, and thousands would have crowded to his standard. Every day, it is true, increased our prospects of war, until, on the 6th May, the secretary issued an order* to me, which, from its whole tenor, left no doubt on my mind, that war had become inevitable. I immediately occupied myself in arranging the affairs of my government, that I might be enabled to enter upon my military duty, with as little delay as possible. But various and unavoidable obstacles detained me at St. Louis, until the 25th of August. On the 7th Sept., I arrived at Natchez, and in a letter,† from that place, dated the 8th of the same month, addressed to the secretary of war, I detailed the plan of my intended operations;—and the judgment of the court will determine, whether the whole tenor of that letter, does not manifest a zealous devotion to the public service; and whether the military operations pointed out in the same, could be calculated to aid the conspiracy of Colonel Burr. I proceeded for Natchitoches, and arrived there the 22d of September; where, whilst actively engaged, in *creating means*, to enable me to advance against the Spaniards, who had entered the territory claimed by the United States, I was visited by Mr. Samuel Swartwout, a young gentleman, whom Colonel Burr had seduced into his service.

General Wilkinson despatches a detail of his intended operations to the secretary of war.

But early in the month of May, while at St. Louis, occupied in directing the movements of the troops, and looking forward to a war with the Spaniards, I received Colonel Burr's letter‡ of April 16th, 1806. The letter he therein informs me, he had written in December, if in

Reflections on Colonel Burr's correspondence.

* See Appendix, No. XC.—Third Report Committee of Congress, Mr. Bacon chairman, page 365.

† See Appendix, No. XCI.—Third Report Committee of Congress, Mr. Bacon chairman, page 378—383.

‡ See Appendix, No. LXXXIII.

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truth it was written at all, never reached my hands. Upon the receipt of this letter, I could no longer doubt, that Colonel Burr was on the eve of attempting some enterprise, but, whether criminal or not, I was still unable to discover.

It will be observed, Mr. President, that in Burr's letters of Dec. and Jan. preceding, which I have already noticed, he represents himself, as being on the best footing with the administration; speaks of conversations with several heads of departments, and of having dined with the President. Whether these representations were true, or untrue, I could not know, and therefore I could not discredit them. The orders of the secretary of war, indicating the approach of hostilities with Spain, bore date the 14th and 18th of March. Burr was then in the Atlantic states; believed by me, from his statements, to be on the most friendly terms with the administration; and this belief was confirmed, by the letter of Adair, a senator of the United States, in which he represented—"*that Burr had so far regained his political influence, as to be courted by both of the political parties in the state of New York, and that he stood on such high ground, as to make it doubtful whether or not he would accept, the proffered act of amnesty and the office of governor,*" which, but a short time before he had been so solicitous to obtain. Colonel Burr's last letter to me bore date, a month after the orders of the secretary of war. From these dates and circumstances, I might very naturally conclude, that he was acquainted with the views of government, and that the project of which he spoke, was connected with the expected war with Spain, and was countenanced by the government. This reasoning was strengthened by the entire neglect, with which my warning in September appeared to have been treated by the administration. I felt confident, that information had been received, because it had been carefully deposited in the post office; yet it had not been noticed; and Burr appeared from his own letters, and the letter of Adair, to have recovered his lost ground. To this must, also, be added, the

language held to me by Colonel Burr at St. Louis, when he hinted at a splendid enterprise, but disclaimed any design of acting, without the authority of the government, and asked me, whether an order from Mr. Gallatin would satisfy me. Under the then existing circumstances, it seemed probable the government had approved of his plan, and entrusted him to carry it into execution. I am also desired, in this letter, to "ADDRESS BURR AT WASHINGTON," as if he was proceeding to that city, to make further arrangements with the government.

Particular remarks on Colonel Burr's letters of 16th April 1806, and the orders of the secretary of war to General Wilkinson.

But, on the other hand, the extraordinary and unintelligible language of this letter of the 16th of April, staggered my confidence in the reasoning which I have just offered. It was apparent, on the face of it, that pains had been taken to convey the idea, that I was not only acquainted with the enterprise, but concerned in it. As Burr knew this to be false, there seemed to be no reason for the fiction; unless to prevent my exposing the letter; because if I should expose it, and by that means discover his designs to be criminal, it might subject me to the suspicion of being an accomplice, and weaken the public confidence then reposed in me. The letter carefully avoided, giving any account or even hint, of the real and definite object of the expedition; and the question it contains, "*Is Cusion et Portes right?*" seemed to be intended, in case of a discovery, merely to implicate me in his scheme: for, if it was warranted by the government, the fidelity and courage of Colonel Cushing and Major Porter, to whom the letter must be understood to allude, had already been tested by too many hardships and dangers, to leave any room to doubt them. Besides, my orders from the government, gave no notice of any such enterprise.

Embarrassments of General Wilkinson.

The court will readily perceive, that after comparing and reflecting on all the circumstances, I have stated, this letter must have placed me, in a situation of most painful perplexity and suspense. I could not penetrate the veil, under which the main objects of this letter were concealed; and, of course, was at a loss how to act. My

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former caution to a member of the cabinet, had been so entirely neglected, and I had such full confidence it had been received, that I felt a repugnance to repeat the information I had given. I therefore determined, if possible, to draw the secret from Burr himself; whose mysterious, equivocal conduct, justified the experiment. I accordingly wrote him a letter, conceived in such terms, as struck me, to be best calculated to produce the desired effect. Under these impressions, and with these views, I addressed Colonel Burr; and this letter is probably the same, with which I was menaced at Richmond, said to be "post marked the 13th of May." But having, as I before observed, kept no copies of my letters to Colonel Burr, I cannot pretend to be strictly accurate, as to their dates or contents. Yet the letter wrote on this occasion, appears to have answered, in some degree, the purpose for which it was intended; because Colonel Burr, after the receipt of it, ventured to communicate more of his designs, than he had before dared to hazard. He immediately despatched Mr. Swartwout, to bear me his letter of 29th July, 1806, with orders to apprise me, verbally, of the whole scheme, and to concert with me the plan of operations. My letter which produced this disclosure, was confined solely to the object, for which it was written; that is, to extract from Colonel Burr, the real nature of the enterprise, in which he was engaged. But so far was I from participating in that enterprise, or acting in concert with Burr, that I did not inform him of the movements I was about to make, or where to direct his communications to me. In truth, nothing could more effectually counteract his designs, than the pains I had taken, to prevent the commencement of hostilities with the Spaniards, and to avert the calamities of war; which my instructions to Colonel Cushing, and my letters to the secretary of war, already remarked upon, fully evince.

General Wilkinson determined to extract from Burr his real objects.

Mr. Swartwout, to whom Colonel Burr had confided, his last communication to me, and whose interview with me, it was Colonel Burr's interest to accelerate, in order

Samuel Swartwout, Burr's

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to produce prompt concert and co-operation, did not know where to find me; although my letter of May had been received, previously to his separation from Colonel Burr. Swartwout, therefore, when he set out in search of me, was obliged to regulate his movements, by such information, as he could collect on his route. When he reached the Falls of Ohio, he was at a loss which way to proceed, because a rumour prevailed there, that I had descended the Mississippi; yet as my letter to Colonel Burr, was dated at St. Louis, he determined not to trust to report, but crossed the country, in the expectation of finding me at that place. He, accordingly proceeded by St. Vincennes to Kaskaskias, where learning I had descended the great river, he purchased a skiff and followed me to Fort Adams.—On arriving at that post, he discovered I had gone forward to Natchitoches. Thither he directed his course, where he found me, and had his first interview.

messenger, pursues General Wilkinson.

This is Swartwout's own account of his journey; agreeably to the deposition* of Mr. Tazewell, offered in evi-

Swartwout's account of

* Extract from the testimony of Littleton W. Tazewell, a witness called on the part of Colonel Burr, delivered before the District Court of the United States, on the trial of Aaron Burr, at Richmond, October 3d, 1807.—Burr's Trial, second series, page 8.

"*Question.*—(By Colonel Burr.)—Have you observed any inconsistency, or contradiction, in the evidence delivered by General Wilkinson, before the judge, and that given to the grand jury?

"*Answer.*—None at all.

"*Question.*—(By Mr. Hay, U. S. Attorney-general.)—Do you recollect, whether the testimony of Swartwout, coincided with that of General Wilkinson?

"*Answer.*—They could not be said, to oppose each other in their testimony. Mr. Swartwout was examined first, and many of the circumstances to which he deposed, were unknown to General Wilkinson.

"*Question.*—(By Mr. Hay.)—I speak as to the conversations between Swartwout and General Wilkinson.

"*Answer.*—Perhaps there was this difference,—General Wilkinson stated that in the absence of Colonel Cushing, which was spoken of by both of them, Mr. Swartwout slipped into his hand, the cyphered letter from Colonel Burr. Mr. Swartwout, who discovered the utmost frankness, and candour in his evidence, stated the transaction in a

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his journey, agreeably to the testimony of Mr. Tazewell.

dence against me, before the District Court, at Richmond, on Burr's trial, viz. "that my testimony before the grand jury, at Richmond, was the same with that given in open court, and corresponded with Swartwout's, different manner, he declared that the letter was delivered openly, without any effort to conceal it.

"*Question.*—(By Mr. Hay.)—But they both stated the fact, in the same way,—that it was delivered in the absence of Colonel Cushing:

"*Answer.*—Yes, they both stated that fact in the same way."

It may be proper to observe, that Mr. Tazewell was one of the grand jury, who found the bill of indictment, against Colonel Burr, and the following certificate will, unequivocally, set forth, the *quo animo* of the witness, several months before he was summoned to serve as a grand juror, in the case of Colonel Burr.

"I certify, that sometime in the month of February, 1807, I met Mr. Littleton W. Tazewell, with several other gentlemen, at the house of Mr. James Taylor of Norfolk, when a conversation was introduced, touching the conduct of General Wilkinson; in the course of which, Mr. Tazewell PROPOSED A BET OF A COAT, (*which I took up,*) THAT GENERAL W. WOULD BE DISMISSED THE SERVICE, WITHIN NINE MONTHS FROM THAT DATE. *The bet has been decided, and paid by Mr. T.*

"J. SAUNDERS,

"*Capt. U. S. Artillery.*

"*Washington, July* 18, 1808."

It is understood, the bet was made for a full dress regimental coat, which cost eighty or ninety dollars; and it exhibits a new species of gambling, where the honour of a gentleman, is made the subject of a wager; AND THE PARTY PROPOSING THE BET, SITS IN JUDGMENT ON THE DECISION. MR. TAZEWELL IS ENTITLED TO THE CREDIT OF THE INVENTION, AND I CONGRATULATE HIM ON HIS SUCCESS; but cannot recommend the sport. I leave to the reader the comments due to so singular a transaction, and will dismiss it, with three brief remarks.

1st.—It proves the prejudice, and pre-judgment of Mr. Tazewell, before he was placed on the jury, and should have disqualified him *in his own mind* for the office.

2dly.—It proves, that Mr. Tazewell *knew more of Burr's conspiracy than other people*, as nothing had been published at the time, to implicate Wilkinson with Burr, and

3dly.—It proves, Mr. Tazewell's disqualification, to set as a judge upon Wilkinson's honour, because he was interested in his condemnation; and we all understand MR. TAZEWELL'S RULING PASSION.

as to the conversations between us, in all respects, except only as to the manner, in which Burr's cyphered letter was delivered." Surely, all this difficulty in discovering my position, does not look like concert on my part. Indeed, so ignorant was Burr, of my situation or pursuits, in midsummer, 1806; and so entirely, had all correspondence between us ceased, that on the 30th of July, of that year, more than nine months after his visit to St. Louis, on his passage through Philadelphia, he enquired of a member of the cabinet, (the honourable Albert Gallatin,* secretary of the treasury,) "WHETHER I HAD RESIGNED OR BEEN REMOVED FROM THE OFFICE OF GOVERNOR OF LOUISIANA."

Mr. Swartwout arrived at Natchitoches on the 8th October, 1806, as is proved by the deposition† of Colonel Cushing; and the same day delivered me two letters from Colonel Burr, dated the 25th and 29th of July preceding, together with a letter from General Dayton, bearing date, the 24th of the same month, which, I beg leave to insert in this defence, and are as follow:

"Dear Sir,

"Mr. Swartwout, the brother of Colonel S., of New York, being on his way down the Mississippi, and presuming he may pass you at some post on the river, has requested of me a letter of introduction, which I give with pleasure, as he is a most amiable young man, and highly respected from his character and connexions. I pray you to afford any friendly offices which his situation may require, and beg you to pardon the trouble which this may give you.

"With entire respect,

"Your friend and obed't servant,

(Signed) "A. BURR.

"*Philadel. July 25th*, 1806.

"*His Excellency General Wilkinson.*"

* Mr. Gallatin authorised this statement.

† See Appendix, No. XCII.—Burr's Trial, page 232.

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A. BURR'S LETTER, IN CYPHER.

"Yours, post-marked 13th of May, is received. I, Aaron Burr have obtained funds, and have actually commenced the enterprise. Detachments from different points, and under different pretences, will rendezvous on Ohio, 1st November—every thing internal and external favours views: protection of England is secured: T—— is going to Jamaica, to arrange with the Admiral on that station; it will meet on the Mississippi.—England.—Navy of the United States are ready to join, and final orders are given to my friends and followers: it will be a host of choice spirits. Wilkinson shall be second to *Burr* only: Wilkinson shall dictate the rank and promotion of his officers. Burr will proceed westward 1st August, never to return: with him go his daughter; the husband will follow in October, with a corps of worthies.

"Send forth an intelligent and confidential friend with whom Burr may confer; he shall return immediately with further interesting details: this is essential to concert and harmony of movement: send a list of all persons known to *Wilkinson*, west of the mountains, who may be useful, with a note delineating their characters. By your messenger send me four or five commissions of your officers, which you can borrow under any pretence you please; they shall be returned faithfully. Already are orders to the contractor given, to forward six months provisions to points Wilkinson may name: this shall not be used until the last moment, and then under proper injunctions: the project is brought to the point so long desired. Burr guarantees the result with his life and honour, with the lives, the honour and fortune of hundreds, the best blood of our country. Burr's plan of operations is, to move down rapidly from the Falls on the 15th November, with the first 500, or 1000 men in light boats now constructing for that purpose, to be at Natchez between the 5th and 15th of December; there to meet Wilkinson: there to determine whether it will be expedient

in the first instance to seize on or pass by Baton Rouge: on receipt of this send an answer; draw on Burr for all expenses, &c. The people of the country to which we are going, are prepared to receive us: their agents now with Burr say, that if we will protect their religion and will not subject them to a foreign power, that in three weeks all will be settled. The gods invite to glory and fortune: it remains to be seen whether we deserve the boon: the bearer of this goes express to you; he will hand a formal letter of introduction to you from Burr; he is a man of inviolable honour and perfect discretion; formed to execute rather than to project; capable of relating facts with fidelity, and incapable of relating them otherwise; he is thoroughly informed of the plans and intentions of Burr, and will disclose to you as far as you inquire, and no further: he has imbibed a reverence for your character, and may be embarrassed in your presence: put him at ease and he will satisfy you.

"29*th July*."

Letter of Jonathan Dayton to General Wilkinson.

"*July 24th*, 1806.

At the head of the letter Explained by J. Wilkinson, *Catch* *Word* *France.*

[·] FRANCE.

"Dear Sir,

"It is now well ascertained that you are to be displaced in next session. Jefferson will affect to yield reluctantly, to the public sentiment, but yield he will; prepare yourself therefore for it: you know the rest.

"You are not a man to despair, or even despond, especially when such prospects offer in another quarter. Are you ready? Are your numerous associates ready? Wealth and Glory, Louisiana and Mexico. *I shall have time to*

CHAP. IX. *receive a letter from you before I set out for Ohio,* OHIO. *Address one to me here and another to me in Cincinnati.* Receive and treat my nephew affectionately as you would receive your friend,

"DAYTON."

[·] FRANCE.

Of the first letter from Colonel Burr, not a word need be said, as it was a mere introduction, but it is manifest when writing the second, he flattered himself, I might be seduced from my duty. This letter of General Dayton, was written in a cypher, projected by himself, on the hieroglyphics used by Colonel Burr and myself; which he furnished Dayton for the purpose, and Dayton forwarded this cypher in a letter which was transmitted to me by Bollman, in the note which follows. Burr's trial, page 236, first series.

"*New Orleans, Sept. 27th,* 1806.

"Sir,

"I have the honour to forward to your Excellency, the enclosed letters, which I was charged to deliver to you by our mutual friend.

"I shall remain for some time at this place, and should be glad to learn, where and when I may have the pleasure of an interview with you. Have the goodness to inform me of it, and please to direct your letter to me to the care of Messrs. Chew & Relf, or enclose under cover to them.

"I have the honour to be, *&c.*

(Signed) "ERICK BOLLMAN.

"*Gen'l. Wilkinson.*"

"My Dear Friend,

"As you are said to have removed your head-quarters down the river, and there is a report that the Spaniards intercept our mails, which pass necessarily through the territory occupied by them, in order to reach you, I think proper to address you in cypher, that the contents may

be concealed from the Dons, if they make so free as to open the letter. Take the following for the catch word, or check word (and you may very readily decypher the figures) viz. in your own hieroglyphics, [·] *France.* CHAP. IX.

FRANCE V⊙⊶\Λ

"Every thing and even Heaven itself, appears to have conspired to prepare the train for the grand explosion: are you also ready? For I know you flinch not, when a great object is in view. Your present is more favourable than your late position, and as you can retain it without suspicion or alarm, you ought, by no means, to retire from it until your friends join you, in December, some where on the river Mississippi. Under the auspices of Burr and Wilkinson, I shall be happy to engage, and when the time arrives you will find me near you.

"Write and inform me by first mail, what may be expected from you and your associates. In an enterprise of such moment, considerations even stronger than those of affection, impel me to desire your cordial co-operation, and active support.

"DAYTON."

"Wealth and honour
"Adieu
"Courage and union
} Burr and Wilkinson.

"Let me hear from you by mail, as well as by the first good private conveyance, and believe me, with the best wishes for your prosperity and happiness, most truly

"Your friend and servant,

"JONA. DAYTON.

[Hieroglyphics]

V⊙—⊶/Λ

France.

But notwithstanding Colonel Burr addressed me in these letters, by Bollman and Swartwout, under the impenetrable veil of a cypher, intelligible to ourselves only, he does not abandon his habitual caution; AND

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ALTHOUGH HE ENDEAVOURS to seduce me from my duty, and to engage me in his project, I call YOU TO WITNESS, GENTLEMEN, THAT HE DOES NOT INFORM ME WHAT THAT PROJECT WAS; WITH MASTERLY CIRCUMSPECTION AND CUNNING, HE AVOIDS ANY AVOWAL TO CRIMINATE HIMSELF, AND, AT THE SAME TIME, to make security doubly sure, he couches his letter in such dark and ambiguous terms, as were calculated to draw on me the foulest suspicions, should I expose it; aware of the consequences, I met them without hesitation, and whatever may be the result, of the heavy and cruel persecutions which have ensued, I can never regret the course I pursued.

Thus intrenched in artifice, he instructs his emissary, Swartwout, how to deceive me, by exaggerating his means and his force, then artfully refers me to him for an explanation of his specific objects, and requests me to "*send him a confidential friend for a conference, with four or five commissions of my officers.*" This proposition was intended as the touch-stone of my integrity; for if Burr had been satisfied, that I was united in the conspiracy with him, every necessary arrangement could have been made by letter, or through his two confidential agents, Bollman and Swartwout, without the intervention of a third person.

Reflections on General Dayton's letter.

The letter of General Dayton, the coadjutor of Burr, delivered by Mr. Swartwout, was admirably contrived to awaken jealousies in my breast, by exciting the belief, that I had lost the public confidence, and that the President meant to disgrace me. It was a masterly artifice to corrupt an officer of traitorous propensities, and so far does credit to its authors; but to a person previously corrupted, it would have been superfluous. Let the paragraph speak for itself: "IT IS NOW WELL ASCERTAINED, YOU ARE TO BE DISPLACED THE NEXT SESSION; JEFFERSON WILL AFFECT, TO YIELD RELUCTANTLY TO THE PUBLIC SENTIMENT, BUT YIELD HE WILL. PREPARE YOURSELF THEREFORE FOR IT, YOU KNOW THE REST." Thus it is apparent, that while every effort was making in

newspapers,* and by other vehicles of calumny, to excite the suspicions of my countrymen against me, and to deprive me of the confidence of my government; Colonel Burr and General Dayton, under the guise of friendship, were insidiously labouring to rouse and irritate my feelings, and goad me on to that state of desperation, which might fit me for a participation in their treasonable projects: and yet this act of deliberate perfidy has passed without notice, while I, by a monstrous *perversion of principles and morals*, have been stigmatised for a breach of faith, and, in a court of justice, branded as a traitor to friendship; because it was impossible for me *to forfeit my honour, disgrace my profession, conspire against the government I had sworn to support, and turn my arms against my country.* It cannot be, that the most credulous, or the most prejudiced should believe, such treacherous means could have been deemed necessary, by men like Burr and Dayton, if I had previously consented, that my name should be enrolled on the list of conspirators.

My conduct immediately on the receipt of these letters, will best expound the part I determined to take, and the world will bear me witness, that I did not for a moment waver in the line of my duty. It was late in the night after I received Burr's letter, before I had so far decyphered it, as to form a judgment of its contents; and on the very next morning, I communicated to Colonel Cushing, (my second in command) all I had learned on the subject, expressing, at the same time, my abhorrence of the scheme, and pointing out to him, the course I meant to pursue, as his deposition† sets forth.

But, because I did not, after the interview with Swartwout, communicate to the President, until the 20th and

* It is notorious, that whilst Burr was engaged in his traitorous machinations, in the western country, several public prints in that quarter, opened the sluices of slander against me; and I have strong reason to believe, they were encouraged by Burr and his associates, to excite my disgust, and prepare me for their poisons.

† See Appendix, No. XCII.

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21st October, an inference is attempted to be drawn, that I hesitated between the temptations of Burr, and the obligations of duty and honour. Such deductions comport with the malevolence of my enemies, but by candid men they will be disdained.

It must be remarked, that Burr's letter to me, gave no distinct information of his designs, nor any specific account of the means to be employed, but referred me to Swartwout; it therefore became my duty to draw from the emissary, all the information I could, of the real designs of his principal, that I might advise the executive thereof, to enable him to provide the means necessary to defeat it. This was a work requiring much delicacy and caution; a work too, which I abhorred, from the indirection it imposed upon me. If, by proceeding too precipitately, I had alarmed Swartwout, my object would have been defeated; besides, after the insidious manner in which Burr had conducted himself towards me, I could not place full faith in the frankness and candour of the emissary, tutored and instructed by such a master. It was therefore necessary, to converse with him at different times; to mould my enquiries into different shapes; and to lead him, step by step, to the different points of enquiry, for the purpose of testing his consistency, and the truth of his statements. This of itself, was the work of days, even to a mind disengaged from every other avocation. I commenced the investigation on the 9th of October, the day after Mr. Swartwout presented himself. At that juncture the Spanish force, greatly superior in numbers, was in my front; and I had every reason to believe, that we should, in a few days, be brought to action. The letters* of Governor Herrera, of 6th of Aug. to Colonel Cushing, and of the 26th of same month to Governor Claiborne, and that from Governor Cordero, of the 11th of Oct. to myself, will sanction this opinion. I was, indeed, actively engaged, in forming and equipping the troops, and preparing them for the expected combat,

Caution imperiously imposed on General Wilkinson, by a regard to the public interest.

Correspondence of Governors Herrera and Cordero.

* See Appendix, No. XCIII.

on the issue of which, the interests of our country, my own honour and that of the troops, would depend.

Swartwout left my camp on the 18th of October, and I immediately made arrangements, for communicating to the executive, all the information derived from him, which I deemed necessary at that time for the information of the government. The precautions I adopted, to insure the receipt of my communications, are fully disclosed in the testimony* of Lieutenant-colonel Smith, taken before this court. But, Mr. President, I could hardly believe, that the man whom I had so long loved as my friend, and whom I had so long admired as a soldier, a statesman, and a patriot, could bring himself to engage in so criminal and detestable an enterprise, as Swartwout represented to me;—an enterprise, in which the plunder of our own citizens, at New Orleans, was to prepare the means for the plunder of the Mexicans; and the invading and conquering Mexico, was an operation of such magnitude, that I doubted whether funds could be provided, to meet the expense; or whether the conspiracy could be matured and ready to burst, without the countenance or connivance of my own government; especially after the warning I had given the year before; connected too, as the project in some respects appeared to be, with a Spanish war, (which I then considered unavoidable) and calculated, as it might have been, for aught I knew, to inflict a severe blow upon the Mexicans; and compel them them to recal their force from our frontier, for their own immediate internal defence. I thought it might be possible, that Swartwout's information, relative to the intended plunder of New Orleans, was without foundation; and as to the proposed expedition against Mexico, it was also within the limits of possibility, Burr might have cheated himself into the belief, that although the executive, would not encourage it openly, he might be inclined to wink at it, and would not oppose the enterprise. The situation of my mind, under all these views

The magnitude of the enterprise, creates doubts in General Wilkinson's mind as to its existence.

* See Appendix, No. XCIV.

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General Wilkinson's letters to President Jefferson.

of the subject, is so precisely depicted in my letters* to the President, of 20th† and 21st Oct. 1806, as to prevent a doubt of the sincerity of my present professions; and it will be recollected, that a day or two after the receipt of these letters, the proclamation‡ of the President was issued, which dissipated the mists of Burr's delusions, opened the eyes of the citizens, and completely defeated his sinister enterprise.

Under all the embarrassments of the situation, in which I found myself, such as I have now described it, and have proved it to be; on the eve of a battle, as I believed, with an enemy of twice my number; intently engaged in making preparations for the conflict; concealing from Swartwout my real designs; doubting his information; seeking, with great caution, to extract from him, whatever he knew, or pretended to know; and then, reflecting on and comparing his conversations at different interviews, in order to arrive at the truth;—under all these difficulties and perplexities, is it possible any man can believe, that I could, in a shorter period than that actually employed, have formed an estimate, of the extent and objects of Colonel Burr's project, sufficiently clear and decisive, to justify a communication to the executive *by express?* For, if Swartwout's information was to be relied on, it would have been worse than idle, to communicate *by mail;* as my despatch, by that conveyance, would have been exposed to be intercepted by the conspirators. It was essential to my own fame, and to the interests of my country, that I should be certain before I decided; and should then act with promptitude and effect.

Difficult circumstances under which General Wilkinson had to decide.

But why, Mr. President, should I detain the court so long, in reasoning upon this point? Have I not, in proof, given facts to establish, beyond question, that the delay of my communication to the President, did not proceed from any dishonourable motive on my part? My conver-

* See Appendix, No. XCV.—Third Report Committee of Congress, Mr. Bacon chairman, p. 420, 421.

† This letter in the printed Report is, by mistake, dated the 26th.

‡ See Appendix, No. XCVI.

sation with that meritorious veteran of the revolution Colonel Cushing, my second in command, on the very morning after the arrival of Swartwout at my quarters, has been attested* by him; and, in addition to this interesting fact, I must call the attention of the court, to the deposition of Colonel Burling, a distinguished and zealous patriot; a man whose honour no breath dare sully, who at that time was volunteering his services against the Spaniards, as my aid-de-camp, and who, to the last hour of his life, occupied the first rank of loyalty to his country. He proves, that on his arrival at Natchitoches, on the 14th or 15th of October, while Swartwout remained there, I lost no time in communicating to him, the project of Colonel Burr, and consulted him on the difficulties of my situation; for while the conspirators appeared to be threatening New Orleans, my orders commanded me, to drive the Spaniards, then in my front, to the west of the Sabine. These interesting circumstances being thus established, with what face can the most rancorous malice accuse me, of improper concealment, or of hesitating as to the course I should pursue? I confess, indeed, on the receipt of the communication by Swartwout, my first impulse was to save, if possible, from disgrace and infamy, the man who had been my friend; by shewing to him, the enormity of his views, and the desperation of his hopes, and to recal him to those principles of honour and patriotism, by which I had known him to be actuated.

General Wilkinson immediately communicates the information received from Swartout, to Colonel Cushing.

Communication to, and consultation with Colonel Burling.

I will not detain you, Mr. President, by a minute examination of my correspondence, with the Spanish officers. I content myself, with referring the court, generally, to those documents,† and to the deposition‡ of Colonel Burling on the subject of the negotiation that ensued; which will demonstrate my attachment to the service of our country, and my anxiety to adjust our differences with the Spaniards, that I might be enabled, to draw off our

* See Appendix, No. XCII. † See Appendix, No. XCIII.
‡ See Appendix, No. XCVII.

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troops from the Sabine, to the defence of New Orleans, against the conspirators. If I had faultered in duty at that critical moment; if I had been inclined to close with the splendid offers of Colonel Burr; I should have struck the Spaniards, which my orders would have fully justified, and Burr would then have reached New Orleans, without opposition; and I could have deliberated on the part I should take, with entire safety. It would then have been seen, whether the conspiracy could succeed or not; and without hazarding blame on either side, I should have been left at liberty, to take advantage of events, and to choose my part. But, Mr. President, I have never hesitated, when duty and honour pointed out the way. I most anxiously sought to avoid hostilities with the Spaniards, and, at the same time, to maintain the honour of our arms, and the interests of the American nation; and my correspondence with the Spanish governors, will shew that I succeeded beyond the expectations of my government.

The safety with which General Wilkinson might have waited the chance of events.

I returned to Natchitoches, on the 5th November, from my operations against the Spaniards; and on the next morning, I received Doctor Bollman's note of the 27th September, 1806, covering Dayton's letter of the 16th July, 1806, with Burr's original letter in cypher, a copy of which had been delivered to me by Swartwout.

I had scarcely finished reading these letters, when I received a despatch from J. L. Donaldson esq.,* dated at Natchez, which was decisive on my conduct. I have observed, that notwithstanding the communications of Swartwout, my mind was not entirely satisfied, and I could not give full credit to his information. But this letter of Mr. Donaldson removed my doubts; and I lost not a moment, after the receipt of it, to put in operation all the means I commanded, for repelling the formidable force, which I now expected would soon be before New Orleans; to which capital my eyes were immediately directed, as

Mr. Donaldson's letter received, by which General Wilkinson's doubts are removed.

* See Appendix, No. XCVIII.

my letters* to Colonel Cushing and Lieutenant-colonel Freeman, of the 7th November, 1806, will demonstrate. The conviction produced by Mr. Donaldson's communication, determined me to write the letter,† of the 12th November, to the President, by Mr. Isaac Briggs. My conversation with that gentleman, as detailed in his testimony,‡ and the tenor of the letter itself, when connected with my letters§ of the 20th and 21st October, to the same high character, prove indubitably; that I had not formed a decided opinion, of the nature and objects of Burr's enterprise, before the receipt of Mr. Donaldson's letter,—that I then first perceived, it was wholly unauthorised by the government:—highly criminal in the design,—most alarming in its extent; and that I had no longer any difficulty, as to the course of conduct, my duty, and the interests of the nation, required me to pursue.

Letters to Colonel Freeman.

In this place, it is proper to introduce my letters‖ to Colonel Freeman, who commanded at that time in New Orleans, which have been presented by him, to illustrate his testimony before the court; In that of October 23d, two days after I despatched Lieutenant (now Colonel) Smith to the President, he is warned, that danger is impending over New Orleans, and is ordered to hasten the means of defence; and the same ideas are held forth in my letter¶ of the 6th November, to Major Porter. But in my letter of November 12th, the day on which my communication was made to the President, by Mr. Briggs, when I no longer doubted the nature, and objects of the conspiracy, I apprised the Colonel, more distinctly, of the danger which threatened the post of his command; urged him to accelerate his defensive operations, and pointed out to him the path, I had determined to pursue,

Lieut. Smith despatched to the President.

* See Appendix, No. XCIX.

† See Appendix, No. C.—Third Report Committee of Congress, Mr. Bacon chairman, page 425.

‡ See Appendix, No. LIX.

§ See Appendix, No. XCV.

‖ See Appendix, No. CI.

¶ See Appendix, No. CII.

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and that which it was his duty to follow. These letters clearly mark my fidelity and my determination; and should additional evidence be deemed necessary, to evince my integrity, the following letter to Governor Claiborne, may, I hope, suffice.

[SACREDLY CONFIDENTIAL.]

"*Natchez, November 12th*, 1806.

"Sir,

"I wrote you from Natchitoches on the 8th instant by Major Porter, who descends with all the artificers and 100 men from that place, to be immediately followed by Colonel Cushing, and every other man, but one company.

"You are surrounded by dangers of which you dream not, and the destruction of the American government is seriously menaced. The storm will probably burst in New Orleans, where I shall meet it and triumph or perish. The French train of Light Artillery, is indispensable to our defence, I therefore conjure you to aid Colonel Freeman in getting or taking possession of it. Assist him also in procuring pickets to stockade the town, and strengthen the old fortifications; we shall have a thousand regular troops in the city in three weeks, and I look for succour by sea. I have little confidence in your militia, yet I trust we may find a few patriotic spirits among them. You have spies on every movement and disposition, and our safety and success depends *vitally* on the concealment of our intentions.

"I therefore make this communication, in the most solemn confidence, and in the name of our common country, that you do not breathe nor even hint it to the most intimate friend of your bosom. The reserve may be painful, but you must bear it until I see you, which will be in a very few days; and let me entreat you that all your measures may be suspended for my arrival, and that no emotion may be betrayed.

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"Colonel Freeman's line of conduct has been prescribed to him. I shall leave this place the day after to-morrow, but must dismantle Fort Adams, and remove every offensive weapon from it. I fear our government have been surprised—but within six days from the present, the President will be fully apprised of the plot, which implicates thousands; and among them some of your particular friends, as well as my own. I again solemnly charge you, to hold this communication to your own breast, (excepting Colonel Freeman.)

"I write in haste, and despatch this by express. Farewel and God bless you, so long as you may adhere to our country, and co-operate in its defence with

(Signed) "JAS. WILKINSON.

"*N. B.*—Make no newspaper communication of expected dangers; but say the troops are going into winter quarters in New Orleans, and that the President has ordered the old fortifications to be repaired."

I might here, Mr. President, close my defence on this branch of the accusation; for after the communications already shewn, to have been made to the government, and my measures of precaution and defence, keeping pace with my information, displayed in my letters to Colonel Freeman and Governor Claiborne, to which I will beg leave to add, those to Colonel Cushing and Major Porter; and after all the proofs afforded, by my correspondence with the Spanish commanders, of my anxiety to avoid hostilities, on the Sabine, on which I have remarked; it would seem impossible for the most vindictive of my enemies, to found suspicions on my posterior conduct. I had given timely information to the executive;—I had taken the most prompt, and efficient measures, to resist the conspirators, with the forces under my command:—I hastened to New Orleans, where I arrived on the 25th November; my conduct there is known to the world; and if any fault can be imputed to me, surely it is not

General Wilkinson's measures of precaution.

His arrival at New Orleans.

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that of temporising, half way measures;—of suffering the number of the conspirators to increase without molestation; or of leaving New Orleans exposed to their machinations. My most bitter calumniators acquit me of these offences.

Nor can I perceive, how the testimony of Colonel Freeman, is expected to criminate me. He was, at the time to which he makes reference, my second in command at New Orleans; Colonel Cushing not having arrived. My letters of October 23d, and November the 7th and 12th, had prepared his mind for the explosion, which I expected would soon take place, and given him a general idea of the dangers, against which my military precautions were directed. But it would not have comported, with the candour and confidence, due to an officer, of his rank and trust, if I had withheld from him a full and clear view, of the nature of the conspiracy,—the names of the conspirators we were then preparing to resist, and the means they were taking to increase their adherents: and the interview in his parlour, *which the Colonel has introduced, with so much solemnity and parade*, presented the first opportunity, for making the disclosure. As to the conversation about the *wealth* and *rank*, he might have obtained from Burr; the time, place, and manner of it, appear to be such, that I wonder how Colonel Freeman, an officer *so old in service, and accustomed as he has been to the fire and animation, with which the approach of danger, never fails to inspire the bosom of a* SOLDIER, *should have treasured up in his mind, the loose expressions of the moment, and thought it necessary to bring them forward, as being applicable to this branch of the enquiry.* I had, in my letter of November 12th, communicated to him my determination, in language not to be misunderstood. It would be ridiculous to suppose, I had changed my purpose, when my whole conduct is attended to. And still more absurd, (I beg the Colonel's pardon) to presume, if such a change had taken place, that I should have attempted, to seduce him from his duty, in the *public street*, as well as his private parlour, without letting him understand, the alteration my mind had undergone, and assigning the causes

General Wilkinson's real sentiments best explained by his official letters to

Colonel Freeman, and by his subsequent conduct.

of my defection; especially, after I had declared to him, in my letter of November 12th, that, "I HAVE MADE UP MY MIND TO PERISH IN THE STORM, IN DEFENCE OF THE GOVERNMENT AND INTEGRITY OF THE UNION; AND EVERY OFFICER I HAVE THE HONOUR TO COMMAND, WILL DO THE SAME." The best excuse which can be offered for Lieutenant-colonel Freeman's FREE GIFT, on this occasion, will be found in HIS MENTAL OBLIQUITY AND PERSONAL RESENTMENTS.

Respecting my conduct, after the date of this letter of November 12th, until the final defeat of Colonel Burr's enterprise, and the arrest of the chief, I cannot think it necessary, to tax the attention of the court. My correspondence with the President, which is in testimony before you, and the depositions of Colonel Cushing and Captain Shaw, of Messrs. Burling, Dinsmoor, and Duncan, and the testimony of Lieutenant-colonel Smith, Captain Wilson, and even Lieutenant-colonel Freeman, before the court, so distinctly trace the course of my conduct, that I have no wish to enlarge on it. Certain it is, that I entertained a high opinion of Colonel Burr's talents, military skill, and undaunted courage; and the information received from all quarters, was so much exaggerated, that I hardly expected to defeat the enterprise; but I knew I could find an honourable death, if victory should be denied me. Indeed, such was the alarm,—such the ramifications of the conspiracy, that I knew not whom to trust. I was under the absolute necessity of wearing an equivocal exterior, in order to penetrate the designs of the conspirators, and ascertain their numbers. Of this I informed the President, in my letter of November 12th, and I practised it towards Swartwout, Bollman, Alexander and others: It has brought on me an additional load of obloquy, but it promoted the best interests of my country.

With respect to the erasure in the cypher'ed letter from Burr, delivered to me by Swartwout, it would be barely necessary to refer to the deposition, of my counsel A. L. Duncan esq., which follows; whose conduct, character,

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and standing, as a man of probity and patriotism, place him above the suspicion of an unworthy motive; and will justify my reliance on his advice, given to me in his professional capacity. But to silence cavil, as to the integrity of my views, in relation to that erasure, it may be proper to state, in this place; that together with the letter of Burr, received by the hands of Swartwout, at Natchitoches, about the 8th of October, 1806, and bearing date, July 29th; I, at the same time, presented to the grand jury, at Richmond, the original of that letter, received at Natchitoches, the morning of the 6th of November, in a note from Bollman, dated New Orleans, September 27th, 1806; which, without the erasure of a word, was the exact counterpart, except that its date, was, I think, the 26th of July, and the name of Bollman, in place of Swartwout, with a short postscript, merely introductory; yet my enemies, averting their eyes from the undefaced original, to the defaced duplicate, where four or five words had been erased and restored, have laboured to convert an act, not only innocent in its nature, but in its policy essential to the public interests, into a high misdemeanor. To Mr. Duncan's deposition, I will add an extract from that of Thomas Harrison esq., to ascertain the delivery of Burr's two letters in cypher, received by Swartwout and Bollman, to the grand jury at Richmond.

Affidavit of A. L. Duncan esq.

"During the commotions excited in New Orleans last winter, by what was termed Colonel Burr's conspiracy, and his associates and accomplices in that place, I was called upon in my professional capacity by General Wilkinson, for counsel and advice in some measures which he was about to adopt. The temper and disposition which I had discovered in New Orleans, and the reports which daily reached that city from above, induced the belief that half measures were not suited to the times, and that the public safety required the exertion of extraordinary

energies. I therefore urged the General, repeatedly, to the seizure of suspected persons, and the declaration of martial law.

"When Bollman was seized, I suggested to the General, the expediency of transmitting with him, a statement of facts, on oath, to justify the step, and to warrant his commitment. He then put the letters, which he said were written to him by Colonel Burr, and which he also said, were transmitted to him by Swartwout and Bollman, into my hands; on which, together with some further information and knowledge of their views which the General possessed, I framed the deposition, intentionally omitting every thing which was calculated to inculpate the General, or which might, by exciting suspicions, have a tendency to weaken his testimony.

"Having prepared the deposition, I presented it to General Wilkinson, to be deposed to, who strongly and repeatedly objected to the omission I had made, and urged warmly that the whole should be introduced. He also desired that a declaration of Bollman, with which he frequently interlarded his conversations, should be entered, viz. 'that he had come to New Orleans, with views to the settlement of lands on the Wachita, and was a mere spectator.' And it was only after a full exposition of the sole objects of the document, that I could prevail on him to depose to it. It is idle and absurd to impute any sinister intention to the omission, because, on any trial which might ensue, it was known the original documents must be introduced, as they have been. I recollect, during the winter, General Wilkinson was called before the legislature of the territory, to give an account of the state of public affairs, and he informed me he had intended to submit to their inspection, Colonel Burr's duplicate, *he having erased such parts as had been intended to implicate him*, as he knew several of the members, and particularly the speaker, to be interested in opposition to his measures, and for the promotion of such a state of things, as was best calculated to favour Colonel Burr's enterprise. I understand that the erasure made on this

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duplicate was but partial, the General having determined to give oral information to the legislature, which employed him two successive days; and that he considered the duplicate unimportant, (whilst the original has been preserved untouched) excepting the short paragraph relative to Bollman, which is preserved in its original state, and the only words erased, "your letter post-marked 13th May, is received" have been reinserted in the General's own hand. On or about the 15th of August, since my arrival in this city, General Wilkinson put into my hands and those of J. L. Donaldson esq. four or five letters, observing to us, "I submit to you those letters which I have not examined since I left St. Louis; they are for Colonel Burr. I do not recollect their particular contents, but *having received them in confidence, and knowing they blend personalities with politics, I have not permitted myself to re-examine them, because I feel an insuperable repugnance to violate the trust of any man.* I give them to you, here is the cypher, decypher them, consider their contents well, and then inform me whether their promulgation may be necessary to my honour." We did so, and we gave the General our opinion, that the promulgation might be necessary and proper.—From an examination of those letters, and the General's evident surprise, and prompt declaration of his ignorance, when we communicated certain passages of these letters, it was my own and Mr. Donaldson's opinion that he had but partially decyphered them.

"In answer to interrogatories on the part of Colonel Burr, I recollect to have solicited the command of a party to Natchez, for the purpose of arresting Colonel Burr, and discovered from the instructions which the General possessed, together with the state of things at that period, that the measure was warrantable; and having seen several communications from the government to General Wilkinson, and particularly that in reply to his letter of the 21st October, I had no doubt of the sanction of government to any measures which were calculated to defeat the views of Colonel Burr. I have seen communi-

cations of a confidential nature from the President to General Wilkinson, and I believe, in reply to the General's letter of the 21st of October.

(Signed) "A. L. DUNCAN.

"*City of Richmond, sct.*

"Sworn to and subscribed, before me, this 5th day of September, 1807.

(Signed) "HENRY S. SHORE.

A TRUE COPY, *Teste,*

(Signed) "WILLIAM MARSHALL, *Clerk.*"

Answers of Thomas Harrison jun., to interrogatories submitted by General James Wilkinson.

"Were you not a member of the grand jury which indicted Aaron Burr for treason against the United States, pending the Circuit Court at Richmond, in Virginia, during the May term, 1807?

"*Answer.*—I was.

"Did General Wilkinson produce to the grand jury two cyphered letters from Burr to him, which were the exact duplicates of each other, (with the exception of the different references therein made to Swartwout and Bollman) the one stated by him, to have been received by Swartwout, and the other by Bollman?

"*Answer.*—There were two such letters produced, both I think by General Wilkinson, which were duplicates of each other, (excepting the different references to Bollman and Swartwout) in the one which he stated to have received by Swartwout, the words, "Yours, postmarked, the 13th of May, is received," appeared to have been erased, and again restored, in a different hand writing from the body of the letter; and in the one stated to have been received by Bollman, there were no erasures or alterations that I recollect.

"Verified on oath, before

"E. BACON,

"*Chairman of a committee, &c.*"

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I approach, Mr. President, towards the conclusion of this enquiry. I do not mean to remark on the testimony* of Mr. Tazewell and Mr. Taylor, of the grand jury, who found the indictment against Colonel Burr, as I am at a loss to know, what fact is meant to be established by it, tending to impeach my honour. If, indeed, it is meant to say, that I concealed from the President the name of General Dayton as a conspirator, it is answered, at once, by my verbal communication to the President, through Mr. Briggs,† the bearer of my despatch of Nov. 12th, and by the President's letter‡ to me of June 22d, 1807,

* It has been examined in the first volume of this work.

† See Appendix, No. LVIII.—Third Report Committee of Congress, Mr. Bacon chairman, p. 269—272.

‡ *Mr. Jefferson to General Wilkinson.*

"The enclosed is found since mine to you, covering another.

"TH: JEFFERSON.

"*Washington, June* 22, 1807."

The following is the paper enclosed in the preceding note of the president Mr. Jefferson.

"*New Orleans, Feb. 17th*, 1807.

"Your letters by Swartwout and Bollman both reached my hand at Natchitoches. Such letters from you, I had no right to expect, and ought never to have received. What sentiment have you ever heard from me—what tint of character have you ever observed in me, to warrant the conclusion, that I was capable of any act of dishonour, much less the very foulest of all infamous crimes, military treason? The acts, the wiles, the audacity and falsehoods of Mr. Burr, certainly surpass all example; but being on the spot, and near the seat of government, he should not have cheated your judgment, nor imposed on your understanding; you could have detected his impious designs against our country, for which we all staked our lives, and it was your solemn duty to have exposed them.

"I hold your letters, and shall not employ them, if you will come forward whenever a trial may ensue, and on oath circumstantiate the grounds on which they were founded. This you owe to me, and to the public; and I shall expect your conformity to this proposition. I have treated your nephew as you desired: that is, I seized and sent him out of the way of temptation to some overt act, which might have forfeited his life. Your son, Major Dayton, is here; and how I have treated him, I will leave it to himself to inform you. I send this

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returning a letter from myself to General Dayton, bearing date Feb. 17th, 1807, which I had sent the President from New Orleans, and subjected to his discretion.

The public alarm and suspicion, as proved by Mr. Todd,* and the language of Burr, when arrested in his career, as proved by Mr. Poindexter,† close the long list of accusations against me; and to them I will answer in

letter to Baltimore, by the ship Comet, and shall expect your answer by mail, transmitted in a blank to the secretary of war.

(Signed) "JAMES WILKINSON.

"*Jonathan Dayton esq.*"

* Extract from the examination of Judge Todd.

"*Question by Colonel Burr.*—Was there a good deal of alarm among the people?

"*Answer.*—There was.

"*Colonel Burr.*—Was that owing to any acts which I had done?

"*Answer.*—I saw publications in the prints, stating, that preparations were making of boats and provisions in the state of Ohio: a publication also appeared in the 'Western World,' under the signature of an 'Observer,' which excited a good deal of alarm.

"*Colonel Burr.*—How many years have you been a resident of Kentucky?

"*Answer.*—Ever since 1786.

"*Colonel Burr.*—Can you state what has been the general reputation of General Wilkinson for the last four or five years?

"*Answer.*—For the last four or five years I have not seen General Wilkinson.

"*Mr. Wirt.*—His reputation as to what?

"*Colonel Burr.*—As to integrity and truth.

"*Answer.*—*I never heard that questioned.* For the last twelve months, there has been an unfavourable opinion against him, owing to his official and public conduct; but I never heard any thing against him, but what related to his official and public conduct. There have been publications and republications circulated, injurious to him, but whether true or false, I cannot say." Burr's Trial, p. 20, 21, Second Series.

† Extract from the evidence of George Poindexter esq.

Colonel Burr then expressed himself to this effect: "As to any projects or plans which may have been formed between General Wilkinson and myself heretofore, they are now completely frustrated by the perfidious conduct of Wilkinson; and the world must pronounce him a perfidious villain." Burr also, in speaking of Wilkinson, said, "If I am sacrificed, my port folio will prove him to be a villain." Burr's Trial, p. 270, First Series.

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a few words, by enquiring whether it has come to this, that I am to be condemned, because I have been calumniated? For what, Sir, is the langauge of Burr? and what are these things, termed public suspicions, against me? but calumnies unsupported by proofs;—originating with the worst of men, engaged in the worst of causes. For who were my first accusers?—the conspirators themselves. They well knew, that being at the head of the army, it was in my power to oppose a more effectual barrier to their sinister ambition, than any other individual; and therefore, it was of the first importance to them, to destroy my usefulness, by depriving me of the confidence of those, whom I wished to serve. It was for this wicked purpose, that the integrity of my conduct and motives, was so violently assailed in certain public prints, as soon as the conspiracy had been determined on. If they could have robbed me of the confidence of my fellow citizens, and the army, my resistance must have been feeble and ineffectual. And while they were seeking to weaken my strength, by overwhelming me with suspicion, (unparalleled baseness!) they* endeavoured to add the weight and influence of my name, whatever it might be, to their own cause, by claiming me as an associate; and perhaps they were not without hopes, that my country, deluded by the calumnies they were heaping upon me, might treat me with distrust; and that, driven to desperation by my wrongs, I might, in a moment of impatience, throw myself into their polluted arms. They were mistaken;—and I have, at this moment, the proud consolation of knowing, that the man who now stands before you, Mr. President and gentlemen of the court,

The destruction of General Wilkinson's reputation essential to Burr's success, and therefore attempted by him and his associates.

General Wilkinson's consolation, under an accumu-

* Extract from the testimony of Robert Wallace, a witness on Burr's trial at Richmond, Sept. 25th, 1807.

"Mr Blennerhassett was at my father's house afterwards, and I was in the room, when he offered my brother the place of surgeon general. My father told Mr. Blennerhassett he had better give up the enterprise, and stay at home on his island; that it was impossible he could succeed; that his force was too small, and the opposition too great. Mr. Blennerhassett said General Wilkinson and the army would join." See page 161, First Series.

arraigned as a traitor; stigmatised as a corrupt pensioner of Spain; charged as the unfeeling murderer of his own soldiers; and accused even of the meanest peculations;— that this man, Sir, has been the instrument under God, of preserving the integrity of the union, and saving the United States from the horrors, and calamities of a civil war. Yes, Sir, it is to these services, I owe these accusations.—The hopes of rapine and plunder, the dreams of ambition, and the prospect of wealth and power, have been destroyed by my exertions; and revenge, the black revenge of traitors, is all that is left them, to sweeten the bitterness of disappointment. It is no small proof of the power, extent and influence, of those who were leagued together in this conspiracy, that they have, by their calumnies, been so long able, to delude many, even, of the honest and intelligent, and to persecute with so much success, the man by whom they were defeated. I must be permitted to believe, that to their industry, their falsehoods, their machinations and perjuries, may be attributed, the whole of the rigid scrutiny, that my conduct, for the last twenty-two years of my life, has undergone, before the tribunal I have the honour to address. Had it not been my fortune, to incur their hatred, by my fidelity, and my services to my country, it would never have been found necessary, (AND IT IS NOT FOR ME TO SAY THE NECESSITY DID NOT EXIST,) to put me on trial, for any one, of the long list of offences, now imputed to me. THEY WOULD HAVE BEEN TREATED WITH THE SCORN AND CONTEMPT THEY MERIT.

lation of unmerited calumnies.

The power of the conspirators proved by the extent of their delusions, and the effect they produced by bringing about this enquiry.

CHAPTER X.

Sixth and seventh charges considered.—Foreign relations of the United States in the autumn of 1808.—*Executive receives advice of the provisional arrangements of the British cabinet, to take possession of New Orleans.—An armament ordered for the defence of that city.—General Wilkinson addresses the secretary of war, on several important topics.—General Wilkinson arrives at New Orleans.—Deplorable condition of the army.—General order* 22*d April.—Letters to the secretary of war, from the* 19*th of April to the* 5*th June.—Those letters examined.—Monstrous calumny detected and refuted.—Depositions of John De Lassize.—Of Boré, Le Blanc, Montegut and Dow.—Letter from the secretary of war, of* 27*th April.—To the secretary of war, of June* 11*th.—From the secretary of war, of April* 30*th.—General Wilkinson's letter to the secretary of war, of June* 18.—*The secretary of war's letter of* 24*th February,* 1810, *to Mr. Newton, chairman of committee of Congress.—The secretary of war's letter to General Wilkinson, of* 22*d of June, referred to.—The charge of disobedience of orders repelled.—Ingenious method of proving the receipt of* a letter, *by shewing the* departure *and* arrival *of the* mail.—*Extracts from the depositions of Captain Christie, Doctors M'Cauley and Daniel, referred to.—Letter of the* 22*d June containing the secretary of war's order, to remove the troops from Terre au Bœuf, to the high grounds of Fort Adams and Natchez.—Letter of the secretary of the navy to Captain Porter respecting gunboats.—Reflections on the secretary of war's letter of the* 22*d June.—General Wilkinson's bad state of health, and other reasons, induces him to act on the letter of the* 22*d June, in opposition to his own experience and opinions.—Advice of respectable persons in support of General Wil-*

kinson's opinion, quoted.—General Wilkinson's letter to the secretary of war, in answer to his of the 22d June.—Reflections on military command, and the responsibility attached to it.—The idea of commanding an army by distant councils, reprobated, and the authorities of Sir Guy Carlton and Marshal Berthier, quoted.

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I NOW come, gentleman, to the sixth and seventh charges, which are studiously designed, to destroy the reputation of the soldier, and to wound the character of the man; and are so utterly destitute of foundation, that I could safely rest the issue, on the authentic documents, which have been submitted to this court; and the testimony which has come out, on the examination of the witnesses, produced on the part of the prosecution: but I owe it to myself, to the court, to my profession, and the world, to make such explanations, as may elucidate the transactions of the campaign, 1809; and place my whole conduct before the public, from the time I was ordered to take the unsolicited, and unwelcome command on the Mississippi, until my unexpected recal.

My solicitude to save the time of the court, will exclude avoidable details, and confine me to the recital of facts and testimonies, essential to shew, that to the faithful, zealous, active discharge of every incumbent duty, I united the respect due to the public authority, with an interest for the private credit of the gentleman, who had been recently called to the head of the war department.

Foreign relations of the United States in year 1808. —The intention of Great Britain to take possession of New Orleans.

It will be recollected, that in December, 1808, our foreign relations had assumed such an aspect, as to produce a general impression, that the country was on the eve of hostilities with Great Britain; at the above period, the executive received advice, that the disposable force at Halifax, under Sir George Prevost, was held there in readiness for service, in the West Indies, or to take possession of New Orleans, if our troops should make a northern movement; and hold it as an equivalent, for whatever they might lose, on the side of Canada and Nova Scotia.

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The receipt of this information, determined the cabinet to reinforce our feeble defences, on the Mississippi, and on the 2d of December, 1808, I received the following orders:

"*War Department, Dec. 2d*, 1808.

"Sir,

"I am directed by the President of the United States, to have the necessary measures taken without delay, for assembling as large a proportion of our regular troops, at New Orleans, and its vicinity, as circumstances will permit.

"You will please, therefore, to issue preparatory orders, for the transportation to New Orleans of the 3d, 5th, and 7th regiments of infantry, with a battalion consisting of four companies, from the 6th regiment, together with the companies of light dragoons, light artillery and riflemen, raised in the states, and territories southward of New Jersey.

"The troops generally, in the Atlantic states, should be assembled at Savannah, Charleston, South Carolina, Norfolk and Hoods, Fort M'Henry and Fort Mifflin, where suitable vessels will be provided for their transportation.

"The troops raised in the western states, together with the late Captain Bissel's company, will be provided with suitable boats, for descending the Ohio and Mississippi. Captain Boote's company should march by land, from the Ockmulgee to Fort Stoddart, or Fort St. Stevens.

"Field officers of each regiment of infantry, and one field officer of the corps of light dragoons, light artillery and riflemen, respectively, should be marched with their corps; and a Major with the battalion of the 6th regiment of infantry, together with the Surgeons and Mates of the regiments of infantry; a Surgeon to the respective corps of dragoons, artillery and riflemen, and a Mate with the battalion of the 6th regiment of infantry. Provisions for seventy-five days, with a supply of water for

thirty-five days, should be put on board of each vessel, for the men on board.

"Medicine and hospital stores, camp kettle, &c. &c. will be forwarded with ammunition and tents.

"In giving your orders, for the assemblage of the troops at the different points, it will not be necessary to give any indications, of their ultimate destination.

"One subaltern of each company, best qualified for the recruiting service, should remain at the respective rendezvous, with instructions to continue that service with all possible industry; and to have their recruits assembled at the garrisons on the sea-board of the respective Atlantic states; and at Newport, in Kentucky, and Massac, from the western states: it may, however, be advisable, to direct the recruits, enlisted in the interior of Pennsylvania and Virginia, to assemble on the western waters.

General Wilkinson ordered to take command of a force for the defence of New Orleans.

"You will please to take measures for being at New Orleans, in season to take command of the army, in that department, as early as practicable; and TO HAVE SUCH A DISPOSITION OF THE TROOPS, IN THAT DEPARTMENT, FORMED, AS WILL MOST EFFECTUALLY ENABLE YOU, TO DEFEND NEW ORLEANS, AND ITS DEPENDENCIES, AGAINST ANY INVADING FORCE. In case of emergency, you are authorised by the President of the United States, to call on the governors of New Orleans, and Mississippi territories, for such detachments of the militia, as may be deemed necessary.

"I am, &c.

(Signed) "H. DEARBORN.

"*To General James Wilkinson.*"

It will be perceived that these orders, being given in detail, took from me all discretion, in respect to the march routes, and rendezvous of the troops; and our levies, were accordingly put in motion, from their several cantonments, under the preceding directions from the secretary of war.

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The season was inclement, and the sufferings* of those recruits, under inexperienced officers, were extreme, which no doubt contributed, to prepare their systems, for the afflictions which ensued, on their arrival at the Mississippi; for numbers fell sick on entering that river, before they reached New Orleans.†

As I shall rest much of my vindication, in relation to the disposition of the troops under my command, on these orders from the secretary of war, I must beg leave to call the particular attention of the court, to their *precise* and *imperative* tenor, as they respect "*the defence of the city of New Orleans* and its dependencies."

I embarked at Baltimore, on the 24th of January, 1809, and touched at Annapolis, Norfolk and Charleston, to put the troops in motion from those places, and attend to other objects of public duty.

From Charleston, I sailed the 12th of March, on board the Hornet sloop of war. I called at the Havanna, and Pensacola, on my voyage, under a special mission from the executive of the United States, and cast anchor at the mouth of the Mississippi, on the 13th of April.

At this period, while on ship board, and an hundred miles from the point of my destination, my solicitudes for the interests of the service, and my anxiety to keep the secretary of war constantly advised, of my views and intentions, induced me to address him the following letter; in which, the court will perceive, I hastily touched certain topics, which claimed the earliest attention, and explained to him *my purpose, to encamp the troops* as expeditiously as possible.

"*Hornet sloop of war—off the Mississippi,*

"Sir, "*April 13th,* 1809.

"I expect to cast anchor in the course of the day, and to leave the brig to-morrow morning, for New Orleans.

* In stating this fact, the expediency of the movement is not questioned.

† See Appendix, No. CIII.—Colonel Parker's return for March, with the report annexed.

I avail myself of the interval, to make up a duplicate of my communications from the Havanna and Pensacola; and will take the liberty to press upon your attention, a few observations relative to the service. CHAP. IX.

"The prompt and punctual, monthly, payment of the army, is not only essential to the comfort and accommodation of the men and officers, but is vitally important to the subordination, and good order of the troops; for the receipt of fifty and eighty dollars at a time, is too much for the discretion of a private soldier. The necessity of regular payment of the troops.

"The law directs the payment every two months; but by a blind adherence to antiquated rules, the troops are generally five months, and frequently six, eight, and even twelve months in arrears. What is the remedy for this evil? Appoint suitable persons for deputy paymasters; let them give the security necessary to indemnify the public; then instruct them to draw on their responsibility, and transmit their abstracts and vouchers to the pay office quarterly.

"*The awfully critical situation of Spanish America, imperiously enjoins it on us, to strengthen this feeble, remote, and exposed quarter;* I will, therefore, hope you may think proper to press the recruiting service, and to hurry forward the recruits. Great Britain has now a disposable force, of six thousand men in the West Indies. Critical situation of Spanish America alluded to.

"The health, morals, and discipline of the troops, will oblige me to leave New Orleans without delay; I shall therefore seek a proper position, and encamp them as expeditiously as possible; but let me beseech you to send me some person, competent to discharge the important functions of Quarter-master-general, to an army of several thousand men; and permit me to observe, that I know no man, more competent to the duties of such an office, or more confidential, than Colonel Elie Williams, brother of the late General Otho H. Williams, and well known to the secretary of the navy.

"I have heard at Pensacola, that works are erecting at the English Turn, on the Mississippi, and the mouth

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of the Bayou St. John, on Lake Pontchartrain. The first is fifteen, and the last four miles from New Orleans, an open, unfortified and defenceless place; either of those posts may be invested, or turned, and our main points of defence, must be many leagues in front of them. General Dearborn must have been imposed on, in the adoption of those sites, for defensive works, and the execution, will be a waste of treasure, which might be well applied elswhere. I consider it my duty, thus early, to place these facts before you.

"To organise, form, train and discipline a body of raw recruits, such as I shall find at New Orleans, you well know, will be no light task; yet I am conscious, that your co-operation and support, will ensure the end, and without it we can attain neither order, decorum, nor subordination.

"I am, Sir, *&c.*

(Signed) "JAMES WILKINSON.

"*The Hon. the Secretary of War.*"

General Wilkinson arrives at New Orleans.

This despatch being made up, and committed to the charge of Captain Dent of the navy, I took passage on board the Revenue Cutter, and reached New Orleans, on the 19th of April; but I remain to this day, insensible of the effect of this letter, because it has not yet been answered or acknowledged; and, therefore, my judges will decide, whether it savours of professional ignorance, infidelity to the state, or inattention to the various interests, committed to my charge; or, whether, it manifests, vigilance, precaution, and an attentive regard, not only to every object of my trust, but to interests of national importance, beyond the sphere of my responsibility.

Deplorable state of the army.

The season had become oppressively warm before I landed, and I found the state of the service deplorable indeed; picture to yourselves, gentlemen, a body of two thousand, undisciplined recruits, men and officers (with a few exceptions) sunk in indolence and dissipation; without subordination, discipline or police, and nearly one-third of them sick: extend your prospects, gentlemen, to an

army without land, or water transport, for a single company; medical assistance for two thousand men, dependent on two Surgeons, and two Mates, one of the former confined to his bed; a majority of the corps, without paymasters; the men deserting by squads; the military agent, representing the Quarter-master's department, without a cent in his chest, his bills* protested, and he on the eve of shutting up his office; a great deficiency of camp equipage; not a haversack in store; the medicines† and hospital stores, scarcely sufficient for a private practitioner; and you may, then, form a correct idea of the condition, in which I found the detachment of recruits, at New Orleans, under the orders of Colonel Alexander Parker; and will be enabled, to make a fair estimate, of the difficulties which stared me in the face, at the threshold of my command.

If I had anticipated, in my letter to the secretary of war, of the 13th of April, the necessity of a prompt removal of the troops, from New Orleans, the scenes which caught my attention on my arrival there, determined me to accelerate the measure, and to this end, I issued the following general order, on the third day after my arrival.

"*Head Quarters, New Orleans,*
"*April 22d,* 1809.

"The troops will take the field, so soon as the necessary arrangements can be compassed. The military agent, is to provide curtains, for the front of the tents, to protect the men against sand flies, and musquitoes, to be delivered to the commanding officers of companies, in the proportion, of one to every six men; and those officers are to be held responsible for them; one hundred single bars (or musquitoe curtains) are to be provided for the field hospital."

But the uncommon swell of the vernal flood, and the almost daily showers of rain, which fell in May, saturated

* See Appendix, No. CIV. † See Appendix, No. CV.

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the earth to its surface, and continued it too wet, for the encampment of the troops, until the beginning of June; during the interval, I was assiduously occupied, in reconnoitering the country, for a suitable position; in endeavouring to correct the vicious habits of men, and officers; in providing for their accommodation, comfort, and health; in labouring to inculcate a proper sense of discipline, police, and professional pride; and to extract order out of anarchy.

It is not in my power, to pourtray more strongly, my solicitudes for the public service, during the period of my command, in the city of New Orleans; or to give a more faithful description, of the actual state of the service, at the same period; than by a reference to my letters, to the secretary of war, bearing date, from the 19th of April, to the 5th of June, to all of which I shall, presently, crave your attention. At that day, when exerting every nerve in discharge of my duty, it was impossible I should suspect, that my enemies were conspiring against my life and honour; nor could I imagine, after the course I had run, and the acknowledged services, I had rendered to my country, that I was so soon to become the victim of traitorous revenge, popular prejudice, and public persecution.

The letters written, at that time, could not have been intended for publication, and nought but the defence of my honour, could justify their exposition at this period.

I ask this court, whether those letters do not furnish the strongest evidence, of the candour of my interpretation of my orders, of the 2d of December, 1808; and, when taken in connexion with my own general orders, issued at New Orleans, they must, I confidently trust, so fully explain the motives which governed my conduct, at that stage of the season, as to dissipate suspicions, and silence slander.

General Wilkinson's objects in selecting a position for the army.

Ordered to "THE DEFENCE, OF THE CAPITAL OF LOUISIANA, AGAINST A MARITIME INVASION," IT BECAME MY PRIMARY DUTY, TO SELECT THE POSITION, MOST FAVOURABLE TO THE MAIN OBJECT OF MY COMMAND; *after which*, the health and discipline of the

troops, claimed my care and attention; how far I executed my orders, and fulfilled the obligations of a faithful commander, my correspondence with the secretary of war, and the mass of written and parole evidence offered to the court, will demonstrate. CHAP. X.

It has been seen, that in my letter of the 13th of April, written on board the Hornet, I expressed to the secretary of war, my determination to encamp the troops, as expeditiously as possible, from regard to their health, morals and discipline; and in that of the 19th of the same month, after describing the difficulties I had to combat, with respect to the military agency, I continue on the same topic.

"The expense of quarters is enormous, and we have more than four hundred sick.

"The troops must be removed, so soon as I can find a suitable position to receive them; and this, again, will involve expense, for I do not believe, we have transport, by land or water, for one hundred men.

"If we have not peace with Great Britain, the whole force destined to this quarter, should be pressed forward, because she can, at her will, take possession of West Florida: give me leave, and I will anticipate her; this step, however, will require consideration, as it may affect Cuba and Mexico to our injury."

On the 21th, I thus addressed the secretary of war.

"Since writing you yesterday, I am apprised, by the military agent, that we have only thirty horsemens', and four hundred common tents, in store, and not a single marquee.

"The horsemens' tents, will not suffice for a regiment, which leaves me embarrassed in the extreme: I know not what plan to adopt, and tremble at the idea of expense, although, I perceive, more than forty thousand dollars, have been expended already, in useless fortifications.

"I shall decide, and act for the best of the service, and the safety of the troops."

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On the 1st of May, I made the following communication, to the same gentleman.

"The vernal flood menaces the country, with a general inundation; and the earth is so completely saturated, that it will be impossible, to encamp the troops, before the waters subside a few feet.

"The variety, and the interests of my public engagements, have, still, put it out of my power, to reconnoitre for a suitable position; but this enquiry will occupy me, the moment I have finished with Governor Folch, who is now here.

"The report inclosed, will give you our whole force at this place; the sick list is alarming, but the complaints are, generally, simple, and, being mostly of the bowels, are ascribable to a change of diet, and the water of the Mississippi."

In the review of this correspondence, I now come to my letter, of the 12th of May, 1809, in which I not only detail, to the secretary, the contemplated disposition of the troops, for the season, and the motives, on which such disposition was grounded, keeping in view my orders of the 2d December, 1808: but yielding to the united impressions of public duty, and personal attachment, I endeavoured to aid him, in the discharge of the functions of his office, to which he was necessarily a stranger; by pointing out the defects, derangement, and disorganisation, which had crept into every department of the army; and to these offerings of professional duty, and private feeling, I ventured to add, such salutary suggestions as will, it is humbly presumed, be approved of by every member of this court, and all other military men of experience.

The importance of this document, gives it a claim to insertion, at large, in this place.

"*Head Quarters, New Orleans,*
"*May 12th,* 1809.

"Sir,

"An almost incessant fall of rain, and the inundated condition of the country, have, hitherto, prevented my searching for a position, on which to encamp the troops; but I shall proceed on that duty to-morrow week, and trust, we shall be under canvas by the 10th proximo; an object of great interest, as it relates to our health, and, also, the public expense; the rent for quarters exceeding two thousand dollars per month.

"The disposition, I contemplate for the troops, will be, one company at Natchitoches, nine at, or near, Fort Adams, two on the Mobile, one at Plaquemine, two in this city, and the new corps encamped in such a position, if it can be found, as will enable me, with the greatest promptitude, to meet an attack by the River Teche, Barrataria, the Mississippi, the Lakes, or West Florida; which comprehends our line of defence, and embraces a distance, of about one hundred leagues.

"Natchitoches, being our barrier on the side of Mexico, I consider it perfectly safe.

"The troops at Fort Adams, will be held in readiness to descend the river, or to march into West Florida on the shortest notice: I decline moving them, because the position is a healthy one; the men are in comfortable huts, and the measure would involve several thousand dollars expense.

"The command on the Tombigbee will be ordered, should any foreign force land at Pensacola or Mobile, to drive every hoof from that quarter, in order to deprive the enemy of land transport; and the garrison of Plaquemine will suffice, in co-operation with the gun-boats, to command the river. Dispositions in case of invasion.

"I found every thing here so utterly disorganised, that I must be excused, until the next mail, for a detailed exposition of the real condition of the service; it is, however, necessary I should call your attention to a few objects, without further delay.

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The disadvantages and impropriety of a secretary of war issuing orders to officers, otherwise than through the general commanding in chief.

"The documents, under the envelope, marked No. I. will shew you that your predecessor, at fifteen hundred miles distance, reserved to himself, the right of commanding in detail, and of prostrating the rank and the authority of the commanding officer; *by supporting a correspondence with, and issuing various orders to his subordinates, without his privity*, on points of duty and objects of service, purely military; *which, of right and in propriety, appertained to the senior officer of the department.*

"I mean not, Sir, to question the motives, which directed this conduct, because the integrity and the patriotism of the source whence they sprung, is unquestionable; but I need not say to you, that, in military institutions, there is but one channel, through which orders may be disseminated; that subordination and discipline, can be attained and maintained, only by the uniform and invariable support, of those gradations of authority, which commence at the ranks, and ascend to the chief: destroy one link of this chain, and you dislocate the machinery, introduce anarchy, and annihilate responsibility, which is the life and soul of the service; the moment a minister opens a correspondence, with the subordinates of a military commander, he encourages insubordination, betrays a want of confidence in the officer, in trust for the state, wounds his authority, and impairs his obligations to the service.

"You will pardon, Sir, the candour of these observations, which are excited by a sacred regard, to the vital interests of the army, and the public weal; and are not intended to give offence to the gentleman, who, doubtless with the purest intentions, has unhinged all those radical principles and practices, of duty and of service; which formed the rule of our conduct, during the revolutionary war; which, at present, govern the armies of Europe, and without which, we can have nothing but the name of an army.

"I beg to call your attention to the extract of Colonel Cushing's letter to me, of the 18th of January last, covering his correspondence with the military agent, the

secretary of war's instructions to that agent, of the 26th of April, 1808, and his orders to Colonel Cushing of the 22d of December of the same year; therein you will perceive, that the Colonel is directed, to perform certain services, which require expense, but the military agent, is forbid to furnish this expense, SHOULD IT EXCEED FIFTY DOLLARS;—except in extraordinary cases; of which the commanding officer, in charge of the national interests, is not to be the judge, but the military agent, a man without rank, commission, or a single ray of military information, or experience, is to decide for him. Again, you will perceive, that Major M'Crea, the immediate subordinate of Colonel Cushing, and without the hundredth part of his intelligence, is authorised to employ engineers, to construct works and to make limitless expenses; and I find one battery at the Bayou St. John completed, for about forty thousand dollars, which is of no more use, to the defence of this country, than if it were on Capitol hill; and another battery is in hand at the English Turn, which will be found as useless: at the same time, you will perceive, from the report of the engineer, that the works at Placquemine are in a bad way, without materials, and in a state of abandonment by the workmen, for the want of their pay. The chief engineer, a Frenchman of St. Domingo, residing in this city, receives five dollars per day, and his second, a Frenchman of colour, is at eighty dollars per month. I would ask, wherefore this expense, with a corps of engineers? Is it economy, or is it policy, to employ foreigners to construct our most important defences? But, it was deemed expedient, that the officers of the corps of engineers, should be deprived of command, and held subject to the orders of the President, exclusively, which was a dereliction of rule, and a violation of right.

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The restrictions as to expenditure imposed on officers of high military rank, and the disproportionate share of confidence extended to a military agent.

"When at Charleston, I ventured to direct Major M'Comb, to order Captain Gratiot of the engineers, to this place; but I have heard nothing more of it; *en passant*, it may not be improper to observe, that Lieutenant-colonel Mansfield holds a lucrative office, somewhere on

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the Ohio, and has not done a day's duty in five years: one of my surgeons, has recently received orders from the war department, to make his returns to that department.

"The paymaster of this army, a subaltern, receives impracticable orders from the chief of his department; and Mr. Abrahams, the military agent in the place of quarter-master general, tells me, he receives similar orders from Mr. Simmons, the accountant of the war department.

"You will observe, Sir, we have an army without a general staff; and an hospital without surgeon, purveyor, matron, or nurse; indeed this department has a strong claim to your humanity.

"You have, under cover, returns of the medicine, stores, instruments and furniture, on hand, for three or four thousand men, which I present without remark; because I indulge hopes, this may find its way to the hands of a gentleman, more competent to form a judgment on the occasion, than myself.

"The troops are without bunks or births to repose on, or musquitoe nets, to protect them against that pestiferous insect, with which this country abounds: these accommodations are absolutely necessary, not only to the comfort, but the health, and even the lives, of the men; but they have not been provided, and, under the existing 'FIFTY DOLLAR ORDER,' cannot be procured, because they would cost at least ten thousand dollars; the men must therefore suffer, until some different arrangement is directed.

"If we should be called to action with our raw troops, I should depend more upon the celerity of our movements, than any other circumstance; and yet, we have not a single haversack in store, or in use; how then, are we to carry our provisions, or how enterprise upon an enemy, in a country highly favourable to the *ruse de guerre?* But, Sir, if we are called upon to take the field, can it be done without transport? for we have neither ox, nor ass, nor horse, nor cart, nor wagon; and you

Deficiency of transport, and difficulty of obtaining it.

know, that in the best provided section of the union, weeks and months would be necessary, to provide and prepare for the movements of an army; whereas, if we are forced to act, it will be on a day's notice, because the enemy will approach us by sea, and, in this country, it would require at least forty days, to provide land transport for an army of three thousand men, with the necessary baggage, stores, provisions, and ammunition, even for one month.

"Cast your eye over the ordnance return, and you will find, that in this whole department, we have only six pieces of battering cannon mounted; and of these, the carriages of several are reported damaged. My engagements have not given me time, to ascertain the causes of these defects, but it shall soon be done, and the best remedy in my power applied; as, however, every species of work here progresses slowly, and comes high, I would recommend, that a few twenty-four pounders, should be mounted near you, and sent hither.

"The battery at the Bayou St. John, is completed, but the place is without barracks, or rear defences: I shall forbid their erection, until I hear from you, because the work is really useless; and to construct them, would be to throw away fifteen or twenty thousand dollars more.

"The works at Placquemine, should be pressed, and arranged for four companies, which would be a competent force to defend the post, and command the river.

"Major M'Rea reports, that the whole of the materials for the battery at the English Turn, are on the spot, and that the work is nearly finished; it may, therefore, be well enough to complete it, as the additional expense will, I am informed, be inconsiderable; for, although of no utility, the establishment may flatter the self love, and increase the confidence of this people.

"In my next, I shall transmit certain documents, to meet Mr. Simmons's prejudiced and unprincipled statements.

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General Wilkinson recommends an application to the legislature, to sanction a measure respecting barracks, by which there would, beside great military advantages, be a saving of a large sum to the public.

"I deem it material to advise, that you should procure an act to be passed, pending the present session of Congress, to authorise the President, on his discretion, to make sale of the public buildings, occupied by the military in this city; and to erect the necessary barracks and buildings, for the troops to be stationed near it, on some suitable site; for it is impossible to preserve the health, morals, subordination, and discipline of an army, in so licentious a place: the proposition abounds with economy, as the buildings and grounds, now occupied by the troops, would bring at least five hundred thousand dollars, and the establishment proposed, should not, under proper conduct, cost more than half that sum.

"I throw myself on your consideration, to excuse the tenor of this letter. Complaints, though always disagreeable, are sometimes necessary; and, in the present instance, I hope they may be justified by the obligations of public duty, as well as by the excitement of professional sensibility.

"You have a long catalogue of difficulties to encounter, and errors to correct; among them the unexampled circumstance, of several officers continued in service, who are found unworthy of promotion, or utterly incapable of doing any kind of field duty; such are —— and —— and ——; to make provision for the two latter, I framed a law instituting an Invalid Corps, which General Nelson took under his patronage; but I know not what has become of it.

"With perfect respect,

"I am, &c.

(Signed) "JAMES WILKINSON.

"*The Hon. William Eustis,*

"*Secretary of War.*"

Thus it appears, that on the 12th of May, I submitted to the secretary of war, in detail, that very disposition of the troops, which I carried into effect the beginning of June; and for which, I now stand accused to this honour-

able court, for a breach of orders. It is true, no proofs have been adduced, to sustain this charge; and being supported by dark suspicions, and pretended hearsays only, it would be unworthy further attention, but for the respect, which I owe to the high authority, under whose name, in course of official form, it has been ushered into this court, and the desire which I feel, to meet even the suspicions, and hearsays of my accusers.

My next letter, of the 18th of May, 1809, to the same gentleman, although on a subject, distinct from my professional obligations, is demonstrative of my attention, to whatever might interest my country; and my precaution has been justified by subsequent events.

I shall, therefore, give it, also, at large in this place.

"*New Orleans, May* 18*th*, 1809.

"Sir,

General Wilkinson applies for orders to guide him, on the occurrence of particular events, which he points out as likely to happen.

"We have recent, and strong symptoms, of a commotion at Pensacola, the issue of which cannot be anticipated; but the appearance, gives birth to the following propositions, which may, I hope, be promptly resolved for my government.

"1st.—If the Governor of West Florida, should call on me, formally, for succour or protection, what am I to do?

"2dly.—If the Governor and government should be demolished, either by an usurpation of Spanish subjects, or by the enterprise of the American settlers, what course am I to pursue?

"Believing one of these events probable, and being desirous to take any advantage for the public, which may offer, will be my excuse for this trespass."

In a letter of the 19th, which covered the preceding, I informed the secretary, that

"I had not found ground for the encampment, but hoped to succeed, in the course of the next week."

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And in a letter of the 22d, the court will perceive, I call the attention of the secretary, to the same subject, in the following language;

"I have spent two days in examining the coast, up the river, for ground to encamp the troops on, but without the desired effect: to-morrow, I descend to examine the vicinity of the English Turn; and on Friday, I propose to embark, to reconnoitre the Lakes, and the banks of the Amit: in making the selection, health will be a primary consideration, then, *the relation of the position, to the most vulnerable points of the coast,* and, afterwards, economy; but to prevent the return of the troops, to this licentious place, for the winter, I will now offer you the idea, of erecting permanent quarters, or a cantonment for them, on the ground which may be selected; and this implies the purchase of soil, and materials, and the employ of workmen."

As my next letter, that of the 29th of May, has by some forced construction, beyond the comprehension of my mind, been tortured into testimony against me, it seems proper, that it should be recorded in my defence, and, therefore, I shall in this place introduce, the following extract from it.

"*New Orleans, May 29th,* 1809.

"Sir,

"After much enquiry, I have determined on a spot, for the encampment of the troops; it was a difficult matter, from the localities of the country, to adjust; and, being an object of primary importance, in relation to economy, discipline, and health, it has truly occupied all my cares, and attentions, and will, I hope, be my excuse for inattention to minor objects.

"Your predecessor had spoken with me, respecting the site of Galvez Town, on the Amit river, about sixty miles north of this place, and I proposed reconnoitering it; but the idea was no sooner promulgated, than many

of the most ancient inhabitants, called to inform me, that it was the most sickly spot, in the territory, and that the Spaniards had actually abandoned it, on that account. CHAP. X.

"The advantages of this position would have been; public ground, public wood, and the removal of our recruits from allurements and sinister seductions: its disadvantages; the proximity of the Spanish occupancies, and its distance, from the most assailable points of the coast. GALVEZ TOWN, its advantages and disadvantages as a permanent military position, considered.

"Its character, and the prejudices which prevail against it, (I believe, on just grounds,) are decisive on my determination; and with the general voice of American, and Creole, *in favour of it*, I have selected a piece of ground, on the left bank of the Mississippi, below this city about four leagues, which I find perfectly dry at this moment, although the surface of the river, restrained by its dykes, is, in general, three feet above the level of the country: you will put your finger on the spot, at the head of the English Turn, just where the road, to the settlements on "Terre aux Bœufs," leaves the river. The position of TERRE AUX BOUFS selected—its disadvantages and advantages pointed out.

"The disadvantages of this position are: private ground, private wood, and its vicinity to this city; the attractions of which, divert our green officers, from due attention to their profession, and will expose them, as well as the men, to the arts, intrigues, dissipation and corruption, of my personal enemies, and the enemies of the administration, and the government; who are as busy, under the management of Clark and his cabal, as fiends of hell, to corrupt and seduce men and officers from their duty, and to excite discontent, and sedition; but its advantages are, promised health, the best water of the country, the accommodation and comfort of a market, the immediate *protection of the city, and the prompt defence of the river, and the lakes, against an invading force.*

"Under such considerations, and the rapid advance of the season, I could pause no longer, but shall proceed to take the position, and make the necessary establishments, for the reception and safe keeping of the stores, and pro-

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visions; necessary to the supply, and support of the troops, and for the comfortable lodgment of the well and the sick.

"I promised you, we should be in the field, by the 10th proximo, and I think, I shall be able to fulfil the engagement.

"You are sensible, that it will be impossible to introduce, any thing like an uniform system of subordination and discipline, into a body of men, taken immediately from the mass of society, without exciting the disgusts, and discontents, and resentments of the idle, the dissipated, the vain glorious, the obstinate, impatient, presumptuous, and profligate.

"My progress will be gradual: from a perfect insensibility of principle, or practice, to a high tone of police, subordination and discipline; the transition will be laborious and painful, and cannot be effected with unanimous accord; the clamours of the unworthy, will increase with the worth of the corps, and I anticipate, that you may be harassed through the medium of worthy men; who do not know that military discipline, and republican liberty, are as opposite as safety, and danger; as confidence, and security; as indolence, and industry; as volition, and restraint; as order, and anarchy; or subordination and mutiny. Against such seditious movements, I must look to you, Sir, for that sound support, which my conduct may merit, which the radical principles of the profession may justify, and the military service may require; and, should a question ever arise, I trust it may be settled in a professional way, on the spot where it originates; and not on the floor of a popular assembly, where, neither age, nor rank, nor merits, nor services, can save a man, from the envenomed fangs of calumny, and detraction.

General Wilkinson anticipates the dissatisfaction that must ensue from the enforcement of discipline necessary to the welfare of the army.

"The inclosed morning report, will exhibit to you, the state of the troops, immediately, at this place; the returns from Fort Adams, the Mobile, and Placquemine, may be expected, in about ten days, and then I shall transmit an exact general return.

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"From Natchitoches, where ——————— has been, and is now in command, I have no returns; this gentleman's strong sympathies, with Clark and his associates, have produced a course of conduct, very unworthy his profession, and more particularly of a revolutionary officer: when I reached this place, to oppose Colonel Burr and his associates, in 1807, I found ——————— ——— closely connected with the celebrated —— and ———: and hence, perhaps, his antipathy to me.

The unworthy conduct of Colonel ———, alluded to.

"Our sick do not vary essentially, nor does our mortality increase, though our sick report is frightful.

"With perfect respect,

"I am, Sir,

"Your obed't. serv't.

(Signed) "JAMES WILKINSON.

"*The Hon. William Eustis,*

"*Secretary of War.*"

On the 5th of June, I, again, addressed the honourable secretary, and the following quotation from my letter, will apply, particularly, to the subject of immediate consideration; yet, I must solicit the court to give their attention, to the whole letter, as it furnishes satisfactory evidence, of the difficulties I had to combat, and of my impressions at the time.

"I had the pleasure to receive your letter,* of the 27th April, by the last mail, for which you are entitled to my acknowledgments, and those of all who wear the sword of our country; because it indicates the renovation of discipline, responsibility, and sound economy.

Secretary of war's letter of 27th April acknowledged.

"The day before yesterday, I took possession of the ground of encampment, with nine companies, and was happy in observing, that the position met the approbation of men and officers.

"The moment the ground is cleared off, I shall embark with the residue of the new corps, say in four or

* See Appendix, No. CVI.

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five days, and if precept, or example, or personal exposition, or persevering industry, and the extent of my authority can avail, I trust, our health will be preserved, and that we shall progress in the knowledge of our various duties."

Let these communications to the war department, and the general orders,* which I issued during the same period, be carefully examined, and the following conviction, will be carried home to the breast of incredulity itself; viz. THAT I DID NOT FOR A MOMENT, LOSE SIGHT OF MY ORDERS, OF THE 2D DECEMBER, 1808, WHICH WERE, "TO HAVE SUCH A DISPOSITION OF THE TROOPS, IN THAT DEPARTMENT, FORMED, AS WILL MOST EFFECTUALLY ENABLE YOU, TO DEFEND NEW ORLEANS AND ITS DEPENDENCIES, AGAINST AN INVADING FORCE;"—THAT, UNTIL I TOOK POSSESSION OF THE GROUND AT TERRE AUX BŒUFS, THE REMOVAL OF THE TROOPS FROM NEW ORLEANS, FOR THE PRESERVATION OF THEIR HEALTH AND MORALS, AND FOR THEIR INSTRUCTION IN THE DUTIES OF THEIR PROFESSION, OCCUPIED MY ATTENTION INCESSANTLY;—THAT I OMITTED NOTHING WITHIN THE COMPASS OF MY AUTHORITY, TO PROMOTE THE HEALTH, COMFORT, ACCOMMODATION, AND HONOUR, OF THOSE I COMMANDED; AND THAT IN SELECTING THE POSITION, AT TERRE AUX BŒUFS, I WAS GOVERNED BY ALL THESE CONSIDERATIONS COMBINED.

General Wilkinson explains his motives, for removing the troops from New Orleans, and justifies the occupancy of Terre aux Bœufs.

With the knowledge I possessed, of the theatre on which I was placed, (the result of more than twenty years research) I should have been highly culpable if I had not, in choosing my ground, taken that which was best calculated to enforce the instructions, I had received from the national executive; and which, in point of situation, promised as much health as any other spot, *within protecting distance*, of the object to be defended.

On those subjects, it is fortunate for my military reputation, and my personal character, that a volume of

* See Appendix, No. CVII.

testimony, the most honourable, should have been offered to this court, to justify my choice, and attest the precise adaptation of the position, to the great objects of the selection. CHAP. X.

The evidence produced to this point, IS OF NO ORDINARY CHARACTER, and although irrelevant to the charges against me, I am happy the course, given to the prosecution, has been such, as to justify the introduction of it; for while no consideration, has been attached to the military merits of the position, while no respect has been paid, to my obligations to the government, it has been rung through the nation; that I had dragged the troops, entrusted to my command, to a place of pestilence and famine, and had commuted their lives, for the advancement of my private fortune! And to render the poison more deadly, the laws of nature are dissolved, and I am made to burst the bonds of self preservation, in the pursuit of the *dross*, which I have always too much despised! yea! it has been boldly asserted, by one class of my enemies, and industriously circulated by another, that I had sacrificed the lives of my associates in arms, and exposed my own to hazard; for the improvement of a plantation, belonging to the honourable, and virtuous Lavau Trudeau, my respected father-in-law, who did not own a foot of land, within three leagues of the spot! and, as if nothing could be too gross for credulity, wherein my destruction was concerned, this monstrous tale was circulated by my enemies, with as much confidence, as if it had been a solemn truth.

It has been falsely asserted, that General Wilkinson jeopardized the lives of the troops to promote family interests.

The court will pardon me, for anticipating the regular order of my defence, by the introduction of this foul calumny, which has been but too successfully propagated: the infamous falschood, has filled my mind with indignation and horror; for surely, I am among the last of the human race, who may be rightfully charged with sordid speculations.

To get rid of this detestable slander, and to put its cruel and unrighteous authors and propagators, to shame, (if they have not lost the sense) I beg leave, gentlemen,

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Refutation of the foregoing calumnies.

to refer you to the testimony of the witnesses* for the prosecution, Lieutenant-colonels Milton and Backus, and Captain Gibson of the light artillery; and, on the other hand, to the depositions of Colonel Beall, and Captains Dale and Wallace; and, more particularly, to those of Messieurs Declouet and De Lassize, the proprietors of the land occupied by the troops, whose characters are the best guarantee for the truth of their declarations: the deportment of Mr. De Lassize, himself a soldier of twenty-six years service, on the Mississippi, and residing near the camp, whilst pitched at Terre aux Bœufs, was such as to endear him, to every officer who made his acquaintance. Hear what this respectable planter, on his oath, declares.

Deposition of Mr. John de Lassize, March 10th, 1810.

Deposition of John de Lassize.

"The undersigned Jean de Lassize, a native and inhabitant of Louisiana, being forty-three years of age, on his oath declareth, that he is, and has been for four years, the proprietor of the ground at Terre aux Bœufs, which was occupied by the troops, under the command of General Wilkinson, the past season.

"That no proposition was ever made to him, by or for General Wilkinson, directly or indirectly, respecting the purchase of said place, or any part of it; that no levees,† or any part of one, was erected by the troops, encamped on said ground, nor any other works made on it, but such as appeared necessary to the comfort of said troops; that said ground adjoined the cane field of this deponent, and that no clearing, nor other improvement, was made on said ground, to prepare it for cultivation.

"That the trenches and ditches, cut to keep the camp dry, were rather injurious than beneficial to the tillage of the ground; a large proportion of which, was covered by clover long before the troops came to it; that the accommodations made, and the materials brought to the

* See Appendix, No. CVIII.

† Dykes to prevent the inundation of the river.

ground, for the use of the troops, were sold at public vendue, for the account of the United States; and that for the pasturage furnished the public horses, for the timber and fuel used, and damages sustained, during the occupancy of three months, the deponent received the sum of 640 dollars 34 cents only.

"The undersigned further declares, that he has resided at the same place, and adjacent to the said camp, with a population of more than sixty souls, during the space of four years, and that from his observation and experience, he considers it as healthy a spot as any in the vicinity of New Orleans.

(Signed) "JEAN DE LASSIZE.

"A true copy from the original.

"Sworn before me,

(Signed) "J. DUCHANGU,

"*Justice of the Peace.*

"This 10th of March, 1810."

Extract from the deposition of Jean de Lassize, taken 16th of August, 1811, and read in evidence.

Answer to the 7th Question.

"The site of the camp at Terre aux Bœufs, was, at the time it was occupied by the troops, *as it is at this day; the ground being elevated, and covered with clover grass, intermixed with tufts of high weeds, and shaded by large live oaks, under which is a perfect shelter from the rays of the sun, and where one breathes a refreshing air, even, during the hot and suffocating days of summer.*

"The labours which the troops performed, in the camp, were the following: a ditch of about thirteen French acres of length,* three feet and an half wide, and

* This means one side of a square French acre.

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one foot and an half deep; this ditch was the reservoir, of some smaller ones, which traversed the camp, to the grand ditch, which bounded the camp, and the bank of which served as posts for the rear chain of sentinels; on the left of the camp, there was some underwood, which was cleared off by order of the General, and also weeds, which were pulled up or burnt.

"These were all the labours and improvements, performed by the troops.

"The wood which borders on the camp, is a little more cleared than it was, because the soldiers took that for firewood."

Answer to the 8th Question, put to Mr. De Lassize.

"The rise of the waters of the Mississippi, were greater than they had been for a number of years; so much so, that the gaps (or breaches) in the dyke, above and below Terre aux Bœufs, were made so large, they could not be stopt up, and they were, of consequence, abandoned; notwithstanding which, the place of encampment, in 1809, was perfectly dry that season."

Character of the persons, justifying the choice, of Terre aux Bœufs.

Let us enquire, gentlemen, who are the witnesses, to justify my choice of position at Terre aux Bœufs; *are they military striplings, officers of a day's service, profoundly ignorant of whatever related to the profession of arms, and still more ignorant of the theatre, on which they had been recently called to act?* PANDERS OF A DARK FACTION, AND SPIES UPON THEIR ASSOCIATES?—FOR SUCH HAVE BEEN USED* TO CRIMINATE ME:—No, gentlemen, I turn, with abhorrence, from such MONUMENTS OF MILITARY DISHONOUR, and will proudly call your attention, to the attestations of a band of veterans, grown grey in arms, who have hung up their swords, and become peace-

* Colonels Parker, Darrington, and Backus, are conspicuous; they suffered themselves to be employed, by a committee of Congress, to bear testimony against the honour of an absent brother officer, when a thousand miles distant.

ful planters on the banks of the Mississippi; who are alike distinguished for their independence, fortune, intelligence, and honour; men, whose wealth outweighs millions, and, for whom, the allurements of corruption can have no charms.

It will not be invidious, to select from this respectable group, the polished gentleman, the virtuous citizen, and enterprising agriculturist, Boré;* to whom, not only his own immediate country, but the American nation, are indebted for the culture of the sugar cane; nor shall I be condemned, for distinguishing the brave, honourable, amiable, accomplished Colonel Le Blanc,† who, to the credit of the climate of New Orleans, we behold marching with the firm pace, and agility of a subaltern, under the load of more than sixty years of military service.

The testimony of the reverend Montegut,‡ and the respectable Dow,§ cannot be too highly appreciated; alike distinguished for professional skill, and the social virtues, they are beloved by all, and no breath has ever sullied their characters. Practitioners of medicine and surgery in New Orleans, and its neighbourhood; Doctor Montegut's knowledge of the country and its climate, has been matured by forty-seven years of practical experience, and that of Doctor Dow by thirty-three years.

Shall I name a Sauvé,‖ a Daunoy,¶ a Fortier,** a Marigny,†† a Villeré,‡‡ a Foucheé,§§ La Ronde,‖‖ a Villeneuve,¶¶ a Jumonville,*** a Dessalles,††† and other notables of the country, generous, brave, alive to honour, and above the seductions of intrigue, or the excitements of prejudice? To these I add the names of a Claiborne, a Morgan, a Saul, and a Flood; friends to their country, and meritorious citizens of the Atlantic states; who upheld me in that awful hour, when patriotism stood appalled, and treason stalked the streets of New Orleans.

* See Appendix, No. CIX. † Ibid. ‡ Ibid.
§ Ibid. ‖ Ibid. ¶ Ibid. ** Ibid.
†† Ibid. ‡‡ Ibid. §§ Ibid. ‖‖ Ibid.
¶¶ Ibid. *** Ibid. ††† Ibid.

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The superiority of Terre aux Bœufs, to other positions, and its advantages detailed.

What are the affirmations, of this assemblage of worthies? that from time immemorial, Terre aux Bœufs and its vicinity, have been selected by succeeding Governors, under successive governments, as *the preferable spot, for the defence of New Orleans*, against maritime invasion; and that its superior salubrity, is confessed, over any position on the Mississippi, at the same distance from New Orleans: Doctors Montegut, and Dow, Messieurs Le Blanc, Daunoy, Declouet, Delassize, Le Ronde, Guichard, Jumonville, Marigny, Villeré and others, from professional experience, personal observation, or long residence at the spot, or in its vicinity, pronounce it the most elevated, and healthy position, in the vicinity of New Orleans; abounding with milk, eggs, vegetables, and other articles of comfort.

Having ascertained these facts, by diligent enquiry and critical examination, I could not hesitate, to give Terre aux Bœufs the preference, which is marked in my letter, of the 29th of May, to the secretary of war; and the result, would have justified every expectation I had formed, if I had been left to the exercise of my own judgment; but if the orders I received, the 2d of December, 1808, had lost their force on my mind, the secretary's letter, of the 27th of April, 1809, would have re-established their effect; that letter, being the first I received from the present secretary of war, I shall here present it to you, gentlemen, to justify my encomiums of it.

"*War Department, April 27th*, 1809.

"Dear Sir,

"On entering into an execution of the duties of this department, it was natural for me to look around, for gentlemen of talents, honour, military knowledge, and experience, in whom to confide for counsel, and assistance: that they were to be found, in the highest grades of the army, I well knew.

"Their dispersed situation, defeats the expectation I had formed, of profiting by their opinions and advice; the first officer, the only proper organ of communica-

tion, on whose opinions and judgment I should, independently of former knowledge and habits of acquaintance, have placed the greatest reliance, is far away, and I am left to proceed in the best way, which the dispersed state of the troops, and the imperfect returns, and other means of knowing their circumstances, and wants, enable me to discover.

"To render the army, in its present divided and dispersed situation, with many new, and of course, inexperienced officers, a disciplined, efficient force, is no easy task, even under the most favouring circumstances; hitherto I have awaited with some anxiety, the arrival of General Hampton, but, from his letter, I am not to expect him until the beginning of June.

"The troops, under your own immediate command, are, without doubt, under a perfect system of government; concerned, as I am, for their health, *an entire confidence in your knowledge, experience and judgment, aided by an acquaintance with the country, suppresses any opinion on my part.*

Professions of confidence, on the part of the secretary of war, in the experience and judgment, of General Wilkinson.

"Respecting those who are distributed in different posts, and stations, throughout the other parts of the United States, I have formed, in my own mind, some ideas of an arrangement respecting them.

"Understanding, from General Hampton's letter, that he has some communications to make, and uncertain whether the change that has taken place, in our foreign relations, may induce Congress to make any alteration, in the *military establishment, which may require a different disposition, or arrangement from this department;* I have determined to labour on, under all the disagreeable forms, which are now in use, until the result of their deliberations shall be known.

"At their approaching session, a return of the army will, undoubtedly, be called for; that it will be, at best, very imperfect, is too evident: Major Nicoll has been directed, to take the necessary measures, on which to ground a return, up to the end of the present month, and I entertain the hope, that you will have anticipated

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the circumstance, and directed a return, of those under your immediate command, to be transmitted.

"Your letter, covering an account of certain items, not allowed by the accountant of the war department, is received; as yet, I am not satisfied how far the secretary of war, has authority to direct in the allowance of claims, not authorised (in the opinion of the accountant) by law, or by orders of the department.

"There is another subject, personally interesting to you, which has been the theme of past animadversion, and which, I apprehend, will be renewed.

"When the business of the department, which I have, hitherto, found done in a detail extremely irregular, from the nature of the service, and fatiguing from its quantity and variety, will permit, I shall have the pleasure to communicate with you more particularly and more amply.

"In the meantime, I am, with my best wishes for your health and happiness, dear Sir,

"Your most obed't. serv't.

(Signed) "W. EUSTIS.

Secretary of war's hint, at a disposition to scrutinise every item, of public expenditure.

"The law, passed at the late session, prescribes severe limitations in expenditure; and I am well informed, there is a disposition to scrutinise every item.

"*General James Wilkinson.*"

You will perceive, gentlemen, by reference to my communication, to the secretary, of the 5th June, that I had, anterior to the receipt of the preceding letter, ordered a light detachment to Terre aux Bœufs, and proposed to follow with the main body, in four or five days; and is there any thing in this letter, calculated to arrest my intention, and turn my march towards Natchez? On the contrary, was not its tendency, to confirm my order, of the 2d December, by informing me, that it was still "uncertain, whether the change which had taken place in our foreign relations," (of which I had no knowledge but from the newspapers) "might induce Congress to make any alteration, in the military establishment, which might

require a different *disposition or arrangement?*" From this language of the secretary of war, what was I to infer? That a state of things had arrived, in our political relations, to justify my departure from my orders, and warrant the transfer of the troops of my command, (even if they had been in a situation for the removal) an hundred leagues to the rear of the object, for the defence of which, the armament had been assembled? I appeal to the candour of this court, and the whole world, for an answer: I am persuaded, putting aside the originality of the idea, of taking post in rear of a place for its defence, it will be in the negative.

General Wilkinson reasons on the propriety, of occupying Terre aux Bœufs.

The postscript of this letter merits attention, because the secretary, in this opening of his correspondence, advises me of a disposition, *to scrutinise every item of expense;* and, of course, to put me on the alarm, at every idea of expenditure.

With the facts, and the information before me, which I have submitted to the court, my line of conduct, was too plain to be mistaken; and I could not, consistently with my duty to government, or to those whom I commanded, take any other step, but that which I adopted; this step, was directed by my orders, and in pitching my camp, at Terre aux Bœufs, I strictly fulfilled my duty, and obeyed the dictates of my conscience.

Having made the necessary disposition of the sick, and provided, in the best manner, in my power, for the convalescent, the main body of the troops, were removed from New Orleans, and encamped at Terre aux Bœufs, on the 10th of June.

Main body encamped 10th of June.

It seems to be agreed, on all sides, that both men and officers, were pleased with the site of the camp, and it is on record, from the daily reports, that the health of the troops, *improved sensibly for several weeks after* the camp was pitched.

At New Orleans, on the 30th of May, our sick list amounted to 600, and during that month, we lost 19 men by disease, and 34 by desertion; whilst at Camp Terre aux Bœufs, our sick list was reduced, on the 30th of

Improvement in the health of the

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troops. Amount of sick list, deaths and desertions, at New Orleans and Terre aux Bœufs, contrasted.

June, to 442; although we had, actually, carried down with the main body, more than 500 sick; and during eight days of June, in New Orleans, we lost ten men by disease, and nine by desertion; whereas, at Terre aux Bœufs, in the last twenty days, of the same month, our loss was eleven by disease, and three by desertion.*

The daily general orders of an army, form the strongest proofs, which can be presented to the human judgment, because they state facts, as they occur, are copied by every company, and read to the whole army, regularly, at evening roll call; *ignorance may misconceive, prejudice may distort, and perfidy misrepresent,* but the *orderly book cannot deceive;* by it, then, let me be judged,

* "*Washington, Sept. 1st,* 1810.

"A RETURN exhibiting the proportions of sickness among the troops, for the last 18 days in May, 1809, while quartered in New Orleans, and for the last 18 days in June, when encamped at Terre aux Bœufs, taken from the morning reports.

New Orleans, May.			*Camp Terre aux Bœufs, June.*		
Days.	Total present.	Total sick.	Days.	Total present.	Total sick.
14	1737	612	13	1656	562
15	1754	594	14	1662	565
16	1743	584	15	1666	547
17	1748	597	16	1665	540
18	1749	603	17	1665	529
19	1741	596	18	1651	494
20	1739	577	19	1592	502
21	1796	565	20	1652	476
22	1805	549	21	1651	472
23	1802	531	22	1687	477
24	1793	550	23	1669	453
25	1795	544	24	1679	459
26	1810	529	25	1680	465
27	1817	561	26	1691	456
28	1920	583	27	1690	429
29	1952	592	28	1689	458
30	1952	593	29	1718	475
31	1953	600	30	1725	442

"N. PINKNEY, *Capt. & late Brig. Insp.*"

From the foregoing return it appears, that in the course of the month of June, at Camp Terre aux Bœufs, while the total present increased 69, the total sick decreased 120!! Yet this is the spot which has been stigmatised as the cause, and as the scene of "*the great mortality.*"

A RETURN, exhibiting the sickness, mortality, &c. of the new levies on the Mississippi, from Feb. 1809, to Jan. 1810, inclusive.

Posts & Stations.	Dates.	No. of days.	Total non-com. officers, &c. present.	Total non-com. officers, &c. sick.	Deaths.	Desertions.	Total deaths and desertions.	Total loss.	Remarks.
N. Orleans	February, 1809	28	561	41	3	6	9		
Dittto	March	31	1154	252	5	9	14		
Ascending the river to Orleans	April 12th		420	107					A detachment.
N. Orleans	April	30	1684	492	10	30	40		
Ditto	May	31	1811	578	19	34	53		
Ditto	To 9th June	9	1200	433	10	9	19		
	From 1st Feb. to 9th June	129			47	88	135	135	At New Orleans.
Camp Terre aux Bœufs	June 4th to 9th		568						A detachment to prepare the ground for a camp.
Ditto	June 10 to 30th	21	1726	440	11	3	14		
Ditto	July	31	1689	660	37	7	44		
Ditto	August	31	1574	963	58	4	62		
Ditto	To 14 Sept.	14	1414	957	21	4	25		
	From 10 June to 14 Sept.	97			127	18	145	145	At Camp Terre aux Bœufs.
N. Orleans	Sept. 1809		134	68	8		8		6th Reg. Inf.
Ascending the Mississippi*	From 15 Sept. to 31 October	47	935	638	240	26	266		To Natchez.
N. Orleans	October		136	70	4	1	5		6th Reg. Inf.
Camp near Washington	November	30	946	599	198	8	206		
N. Orleans	Ditto		120	56	5	6	11		6th Reg. Inf.
Camp near Washington	December	31	893	434	87	6	93		
N. Orleans	Ditto		117	33	7	3	10		6th Reg. Inf.
Camp near Washington	January, 1810	31	856	345	41	10	51		
		139			590	60	650	650	Ascending Mississippi, camp near Washington, & the 6th Reg. at Orleans.
								Total loss	931

* Taken from the original returns and reports, and from the returns of the Inspector of the army.

N. PINKNEY, *Capt. & late Brig. Insp.*

This return was taken at Natchez, and does not include men left at Point Coupée and Fort Adams.

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and I shall stand acquitted, in the eyes of every military man.

Proofs of General Wilkinson's attention to the sick.

My humanity, as well as my honour, has been attacked; yet every witness, who has been called, has borne testimony to my tenderness, my anxiety and care of the sick; and my industry, my exertions, fatigues, and personal sacrifices for those in health; this, every witness, called on the part of the prosecution, has been obliged to confess: but my humanity, that sweetest, dearest attribute of the human breast, has been assailed, and what is the effect? to prove that my exertions, as a chief, were unexampled, and that, from the commander, I could descend to become the physician, and the nurse of the sick soldier; yet, whilst extending relief, to my unfortunate associates; whilst exposing myself, more than any individual under my command; whilst participating their sorrows, and sufferings, and sharing their pains and afflictions; I have been called a murderer; and am charged with poisoning, by the issue of unsound and unwholesome provisions, those very men whom I cherished with all my soul, and by every means I could possibly compass.

The early effects, of the movement of the troops to Terre aux Bœufs, as I have before observed, were highly flattering, from the 13th of June, to the 30th of that month; the strength of the corps was increased sixty-nine; the sick reports decreased, from five hundred and sixty-two, to four hundred and forty-two; and I exulted in the pleasing prospect of a happy issue to the season. To shew what were my feelings, at that period, I must beg leave to refer to my letter, of the 11th of June, transmitted the secretary of war, by Colonel Alexander Smyth, of the rifle corps, of whom I had formed a most favourable opinion, founded on my observation of his conduct, while under my orders in New Orleans; but by the arrival of Colonel Russell, Colonel Smyth's command was reduced to a narrow compass; which circumstance, added to his solicitations, and the exposition of his domestic cares, induced me to give him a furlough.

Favourable opinion of Colonel Smyth, founded on his conduct at New Orleans.

Colonel Smyth, on his voyage down the Mississippi, at my request, called at the camp; and I then wrote the

letter of the 11th of June, under such a pressure of engagements, that he obligingly copied it.

It will be seen, that, in this letter, I recommended the Colonel to the secretary of war, in such terms, as I then believed he merited; and I hold the copy in his own manuscript, from which I extract the following paragraph.

"I reached this position, with the rear of the levies, on the 9th inst., and have flattering prospects of a healthy camp. Colonel Smyth has examined the ground, and can describe it to you.

"Since leaving the city, the health of the detachment is sensibly improved."

I know not what report, Colonel Smyth presented to the secretary of war, but I certainly should not have made reference to him, if I had not been assured it would be favourable; and as he voluntarily copied the letter of which he was the bearer, if I had formed an erroneous conclusion, an honourable man would have apprised me of it, at the time, or declined my recommendation; but Colonel Smyth did neither, and yet he has expressed himself, on that and other professional subjects, in a manner which may render an enquiry necessary.

While our prospects continued thus flattering, between the 14th and 20th of June, I received the secretary's letter, of the 30th of April, on which the charge of disobedience of orders has been grounded. This letter is conceived in the following terms, and I hope it will attract the particular attention of the court.

Secretary of war's letter, of 30th of April received.

"*War Department, April 30th,* 1809.

"Sir,

"In my letter of the 27th inst. a concern was expressed for the health of the troops, together with a confidence in your experience, knowledge of country, and entire competency and disposition, to adopt every measure, respecting that very important object.

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Further discretionary power, vested in General Wilkinson, by secretary of war.

"On inspecting the general instructions given by this department, 2d December, 1808, it appears that the troops were to be assembled at New Orleans: an apprehension that the letter of this instruction, may be construed to limit any measures, which your own judgment may suggest, respecting a change of position, induces me to remove any such obstacle, if it shall have had an influence.

"By the returns of the 24th of March, it appears, that more than one-fourth part of the troops were sick; without a knowledge of this fact, the removal of the army from New Orleans, during the summer and autumnal months, is suggested by every consideration of prudence and experience: if, therefore, such removal shall not, on receipt of this letter, have been already commenced, you will be pleased to give the necessary orders, to have it effected immediately.

"After leaving the necessary garrison, consisting of old troops, at New Orleans, it will be desirable, that all the others should be transported, either to the high ground in the rear of Fort Adams, or a part of them in the rear of Natzhez. Perhaps both these stations should be occupied; a division of the troops, being more favourable to their health, than quartering the whole together in a body: of this you will judge.

"The primary objects, will be to preserve the health, and lives of the men; next, to have them so quartered, as will best admit of a regular system of order, government, and discipline, with as much economy as is practicable.

"I am, &c.

(Signed) "W. EUSTIS.

"*General James Wilkinson.*"

In this letter, the secretary RECOGNISES THAT OF THE 27TH OF APRIL, written to me only three days before, in which he expresses "his entire confidence in my knowledge, experience, judgment, and acquaintance with the

country;" but he does not hint, at the removal of the troops to the upper country, or suggest the idea, of any change in our foreign relations, to warrant such a step: on the contrary, he expressly informs me, that it was "uncertain, whether the change which had taken place" in those relations, "would induce Congress to make any alteration in the military establishment, which may require a different disposition or arrangement from this department."

The second paragraph of the letter of the 30th of April, is obviously intended, TO ENLARGE MY DISCRETIONARY POWERS, *and to free me from any restrictions, which might be imposed by my orders of the 2d of December.*

The third paragraph, acknowledges the return of the 24th of March, in which it appeared, that more than one-fourth part of the troops were sick.

The fourth paragraph is couched in the following terms: "If such removal shall not, on receipt of this letter, have been already *commenced*, you will be pleased to give the necessary orders, to have it effected immediately;" and in the sixth and last paragraph, the secretary observes, that "after leaving the necessary garrison, consisting of the old troops, at New Orleans, *it will be desirable*, that all the others should be transported, to the high ground in the rear of Fort Adams," &c. &c.

Having thus remarked upon this letter, of the 30th of April, I trust with candour, it is in vain, I search for a word or expression, on which to ground the charge, of "DISOBEDIENCE OF ORDERS, by the removal of the troops from New Orleans to Terre aux Bœufs:" on the contrary, that movement may be justified by the letter itself. But what are the proofs, which have been adduced, in support of this offensive charge? Not a syllable, gentlemen! Nor is it possible to sustain a charge, in itself so entirely groundless. It is true, the attempt has been made, and my honour has been outraged to give plausibility to a fiction: I will say, an ill-natured fiction, founded on an unworthy suspicion. It would seem, that

Charge of disobedience entirely unsupported, by any matter to be extracted, from the letter of the 30th April.

CHAP. X.

to supply the defect of facts, presumption, vague presumption, has been substituted to effect my disgrace.

Thus my letter, of the 29th of May, has been converted into an answer, to that from the secretary of war, of the 30th of April; but I can discern neither acknowledgment, nor intimation, nor analogy, whereon to found this supposition; nor is it supported by reason, or principle, or probability. Wherefore should I dishonour myself, by the suppression of this letter of the secretary? since, if it had, even, awaited my arrival at New Orleans, it could not have changed *my resolution, to take post "in the vicinity" of that city.* The preservation of the *"health and lives of the men,"* being made *"the primary object of the removal,"* and constituting the only IMPERATIVE EXPRESSION it contains.

I feel, gentlemen, and I believe, the correctness of the impression will be admitted, that I should have violated the letter and the spirit of this order, if I had, in the diseased state of the troops, and under the circumstances of the season, attempted a movement, which, instead of *"preserving the health and lives of the men,"* would have proved destructive to both; but my orders of the 2d of December, 1808, continued in force until revoked, by the peremptory mandate of the 22d of June. Suppose, under such circumstances, I had abandoned the object committed to my defence, and an enemy had got possession of it, where would have been my justification? You all know, gentlemen, what would have been my merits, what my punishment.

The primary object of the secretary of war's letter, that which General Wilkinson was bound to keep in view.

I do, therefore, contend, that no obligation of duty, nor principle of service, could have justified me, in yielding to the mere "DESIRE" of the secretary of war, transmitted to me at a distance of twelve hundred miles, in the face of positive orders, and at the expense of the "HEALTH AND LIVES OF THE MEN," which I was commanded, in the same letter, to make "A PRIMARY OBJECT."

I beg leave to submit to the court, the following ex-

tract of my answer to the secretary's letter of the 30th of April. CHAP. X.

"*Camp Terre aux Bœufs, April 18th*, 1809.

"Sir,

"Your letters of the 30th April, and 4th ult., did not reach New Orleans, until the last mail, the 14th instant; though we received, at the same time, the President's speech, and Mr. Randolph's invective.

"I am happy that I have, so far, anticipated your wishes, as to have encamped the troops; though I have not sought the position you recommended: nor should I have done so, while permitted to exercise my discretion, for the following reasons, viz. The movement to Fort Adams, or to Natchez, must have been made by water, as the Spaniards will not permit, our passage through West Florida.

"The toil, the time, and the exposition, in ascending the river, one hundred leagues, with a corps of two thousand, would, probably, have diseased nine-tenths of the men, many of whom were in a convalescent state, and as many sick.

"The expense of transportation, would have exceeded twelve, and might have equalled twenty thousand dollars.

"The position is too remote, for the seasonable protection of New Orleans, against external attack, or internal commotion; and, after all, we might have found the upper country more sickly, than the banks of the Mississippi, which frequently occurs: the movement to this place, on the contrary, was done without inconvenience to the well, or injury to the sick; and at no expense, because the chalons* which transported them, will be employed in erecting the necessary buildings, and for flooring the men's tents."

Compare this extract, with my letter of the 29th of May, and no person will be at a loss to decide, which is

* Covered flat-bottomed boats.

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Letter of June 18th compared with that of 29th May.

the answer to the secretary's letter, of the 30th of April; that from me, of the 29th of May, is evidently the termination of a series of communications, which I had made to the secretary of war, on the subject of encamping the troops, from the 13th of April inclusive.

To illustrate the integrity of my motives, in setting down at Terre aux Bœufs, I must beg leave to observe, that Galvez town, only sixty miles from New Orleans, by shallop communication, was considered too remote, for the protection of that city; and, under such an impression, I could never have thought of throwing the troops, an hundred leagues in the rear of it. I should as soon have thought of Albany, as a suitable position for the defence of New York; Trenton for that of Philadelphia; or Augusta for that of Savannah. But so intently was my mind occupied, by the main object of the armament, assembled on the Mississippi, that I explained and apologised to the secretary, in my letter, of the 12th of May, for not ordering the 2d regiment stationed at the Columbian Springs, down to New Orleans; and in that of the 18th of June, whilst assigning the motives, which would prevent my moving up the river, under the circumstances of the season, and the situation of the troops, ("so long as I should be permitted to exercise my discretion,") I anticipated the calamities which ensued the fatal measure.

The longer I reflect, on the perversion of the obvious sense, of the secretary's letter, of the 30th of April, the more am I astonished, at the folly and impudence, of the construction put on it; for it could not have been expected, that any man of common honesty, and common understanding, would for a moment, have given credit to this interpretation of it.

That letter, in its original intention, and posterior application to my conduct, is deserving of a more minute analysis; and as it has been employed, to implicate my character, I must implore the patience of the court, while I endeavour to do justice to it.

From the facts, which have come to my knowledge, in the course of the prosecution, the impression will ever remain on my mind, that *my ruin* and not the *public good*, formed the chief objects of the enquiry, into the causes of the mortality, among the troops, on the Mississippi, in the year 1809: it is foreign to my present purpose to enquire, who were the authors of that enquiry, but the subject may be investigated at some future day, and in the meantime, I will draw from it evidence, which will go far to sustain my defence.

I would call the attention of the court, to the following letter of the secretary of war, of the 24th of February, 1810, addressed to the committee of Congress, of which Thomas Newton was chairman.

"*War Department, February 24th*, 1810.

"Sir,

"In answering your letter, of the 19th inst., requesting information on the following heads, viz.

"1st.—Whether the detachment, from the army of the United States, sent to New Orleans, was encamped at Terre aux Bœufs, on the Mississippi, in pursuance of orders given to the commanding officer of that detachment?

"2d.—The object of the encampment, of that detach ment at Terre aux Bœufs?

"3d.—Whether the detachment during the encampment, at Terre aux Bœufs, suffered in any respect for want of regular, and necessary supplies?

"4th.—Whether the detachment was encamped in contravention to orders: if in contravention to orders, the time it so continued at that place?

"I have adopted the course, which has appeared to me, to be the most becoming the occasion, and best calculated to convey, to the honourable committee, of which you are chairman, the information they have requested; I have the honour, accordingly, herewith, to submit to

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committee, directly, to the order of the 22d of June, in which, he informs them, "that, previous to issuing that order, a consultation was had, with the secretary of the navy, and the result justified the expectation, that the necessary transport, might be derived from the naval flotilla, on the Orleans station, and orders were given accordingly," What, gentlemen, is the inference? It is, that the secretary of war had not, until then, taken his determination, to move the troops up the river; because, he knew, transport was necessary to that movement; he knew, also, I had no authority to provide it; and, therefore, he made this provision, of the naval flotilla, to enable me to carry the order into execution; which accompanied the instructions of the secretary of the navy, to the commanding officer of the marine, at New Orleans, to furnish it.

In the sequel of this letter, to the committee of Congress, the secretary of war, most honourably bears testimony, to my "EXERTIONS, TO PROCURE TRANSPORTS FOR THE ARMY."

He indicates my detention, at Terre aux Bœufs, until September, by assigning "THE AFFLICTIONS OF THE ARMY, THE WHOLE COUNTRY, AND THE NAVY," AS ONE CAUSE; the "DEFICIENCY OF THE TRANSPORT," as another; and my obligations "TO SEND TO FORT ADAMS, FOR THE OLD PUBLIC BOATS WHICH NEEDED REPAIR," as a third; and, after all this, I am accused of having "remained at Terre aux Bœufs, until September;" surely the committee of Congress, could never have attended to the letter, which thus, conclusively, evinces my innocence.

It would seem unnecessary, gentlemen, to consume your time, or worry your patience longer, on this subject; yet, I must be indulged, with a few, a very few minutes more.

The deposition of Governor Claiborne, which has been read in evidence, to whom I communicated this letter, at the time of its reception, will explain my con-

struction of it, and, in itself, is sufficient, to satisfy any reasonable man, of my candour; it will also exhibit the Governor's solicitudes, for the continuance of the troops, at Terre aux Bœufs, and his apprehensions of the consequences, of a movement up the river. In whatever view, this letter may be taken, we are struck by its irrelevancy, when brought to sustain the crimination; but, the secretary of war, must be the best interpreter of his own meaning; to contradict him, in such case, would be indecorous; and, therefore, I will barely observe, that I have his authority to pronounce, the allusion to the removal of the troops, to Fort Adams, and Natchez, in his letter of the 30th of April, was "*conditional;*" and, to support the fact, I will beg leave to refer you, gentlemen, to the first paragraph of his letter to me, of the 22d of June, in the following words, viz. CHAP. X.

"Being unable, to perceive any advantages in the position, which you have selected for an encampment, as stated in your letter of the 29th May, which give it a preference over the high grounds, in the rear of Fort Adams or its vicinity, to which my letter, of the 30th April, directed, CONDITIONALLY, the removal of the troops; I am left to presume, either that my letter, has not been received, or that some causes unknown to me, and reconcileable with the objects, stated in that letter, have governed your decision."—See Second Report Committee of Congress, page 28, Thomas Newton chairman.

The testimony of Mr. Pollock, would, if possible, have placed the secretary's justification, of my removal to Terre aux Bœufs, in a stronger light. This aged gentleman, who possesses intrinsic worth, and is tottering on the verge of the grave, would have deposed, that, during a conversation with the secretary of war, on the last of July, or the beginning of August, 1809, which respected my command on the Mississippi, the secretary informed him, that *my "orders obliged me, to take the position at Terre aux Bœufs, as an invasion was, at that time, ex-*

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pected from the British;" but the court thought proper, on the motion of the Judge Advocate, to reject this testimony as irrelevant, and, therefore, I cannot avail myself of it, juridically; though, nothing, in equity, can prevent the promulgation of the material fact.

Under the circumstances of my situation, when I received the letter, of the 30th of April, with more than one-third of the troops sick, and convalescent; while the opinions of the most judicious planters, and the ablest physicians, of the country, concurred with my own, that a movement up the river, at that season, would prove destructive to the corps; could I, gentlemen, have justified myself, had I taken such a step, on a bare intimation from the secretary of war, that it was "*desirable?*" "*Desirable*" gentlemen! is this expression, to be construed into a military order? or should I have, faithfully, discharged my duty to the country, and the troops, if I had conformed to this suggestion; when *I knew the movement would be destructive,* and had before me an express injunction, "TO MAKE THE HEALTH AND LIVES OF THE MEN, A PRIMARY OBJECT?" What would have been said of me, if I had under such circumstances, surrendered my judgment to a mere DESIRE? and, by my own act, exposed the troops to the calamities, which they afterwards suffered, under *the peremptory order, of the 22d of June?* Where, and to whom, should I have looked for justification? We should, then, have heard nothing, of the mandatory tenor of the letter, of the 30th of April; it would have been "buried in a profound," and the hue and cry would have been, that I merited death, for the ill-judged, and fatal exercise of my discretion. Will any candid and honourable man say, after the perusal of this letter, of the 30th of April, that I ought to have conformed to the "*desire,*" of the secretary; (supposing the means under my controul) and, on my own responsibility, to have hazarded the movement of the troops, under my command, (more than one-third of whom were sick and convalescent) one hundred leagues, up the Mississippi,

General Wilkinson's exercise of discretion with which he was invested, repels every suspicion of disobedience of, and inattention to, the orders of the secretary of war.

against an impetuous current, exposed to the rays of an almost vertical sun, and the chilling night dews of a swampy country, whose putrid exhalations were absorbed at every pore?

Mr. President, I quit this tedious investigation, and will call the attention of the court, to a collateral topic of the same specification.

It has been asked on the part of the prosecution, and the question has been put with peculiar emphasis, "Did General Wilkinson, at any time before the removal from New Orleans, consult you, or express himself in your hearing, upon the relative expediency, of selecting the station of Terre aux Bœufs, in preference to the high grounds in rear of Fort Adams, or Natchez? At what time did you first see the letter of the secretary of war, to General Wilkinson, dated the 30th April?"

This is fishing for testimony, the tendency of which could not have been duly considered, because it was calculated to rip up private confidence; to infect the army with jealousies, and destroy the little concord, which has been left by my successor: and for what has this unavailing research been made?—For that, which, when found, would have been of no more value, than Shakspeare's "FOUR GRAINS OF WHEAT IN TWO BUSHELS OF CHAFF."

When little minds think, they have got a clue of littleness, it is wonderful, with what zeal and dexterity, they pursue it! The game once started, and every cur of the pack joins in the cry. No sooner was it suggested, that the long passage of the letter of the 30th of April, warranted the suspicion of its reception, anterior to the removal of the troops, to Terre aux Bœufs, than every engine was put in motion, by my enemies, to establish the fact. The post offices have been ransacked; witnesses drawn from the Mississippi; and spies, tale bearers and sycophants, have been encouraged to bespatter my reputation.

Honourable means and *honourable* men employed, to insure General Wilkinson's conviction.

It is well known, gentlemen, *that three military officers* have been summoned, to give colouring to this scandal;

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New law of evidence, by which proof of the arrival and departure of a mail, is produced to shew, that a letter must have been received, with proof of its being put in the post office.

and what has been the effect?—Two of these witnesses attended here, *one of them, after a journey of fifteen hundred miles, at the public expense;* AND HAVE BOTH BEEN DISCHARGED WITHOUT EXAMINATION. But, in what have all these dark surmises, and desperate efforts eventuated?—The production of an *informal, unattested post-bill,* to shew, that certain mails which left Washington city, on 29th April and 6th May, reached New Orleans, on 25th May; and that of the 13th May, arrived at New Orleans the 1st June.

This certificate, although utterly irrelevant and illegal, I admitted *at its worth,* because I am so beset by suspicions on all sides, that to resist any thing, which could be offered against me, however unfair, would be, immediately, construed into a consciousness of guilt.—Dreadful situation indeed! and surely entitled to all the clemency and consideration, permitted by even handed justice.

But how, when, by what means, and from whom, was the certificate obtained?—From New Orleans.—And does it appear, that the letter in question, was punctually transmitted, and punctually delivered? Does it appear, whether it was despatched by the Natchez, or Fort Stoddard mails? or was it the original, the duplicate, or triplicate, which first came to hand? If this letter was forty-five days, in reaching my hands, it appears, from the endorsement of the war office, that my letter of the 12th of May, did not reach those of the secretary, until the 26th of June, which exactly balances the irregularity, of the arrival of the northern mails, at New Orleans. This is too notorious to be questioned, and may be fairly ascribed, to the extent and difficulties of a route, of twelve or fifteen hundred miles, over mountains and rivers, and a considerable space of it through a wilderness: it will be found, by reference to my letter, of the 6th of August, that the secretary's original letter, of the 22d of June, had not then come to hand, although the duplicate had been received, more than two weeks before.

I shall dismiss this enquiry, with the following testimony of Captain Christie, and Doctors Daniel, and M'Caulay, which will, I hope, rescue my character, from the effects of the slanderous whispers, and insinuations, which have been circulated on this subject.

Extract from the deposition of Captain Christie.

"*Question* 11.—Were you in the habit of receiving any letters from the United States, while at New Orleans, and did you find the posts regular and safe?

"*Answer.*—I had several correspondents, and generally received letters every week. I found that the letters arrived very irregularly; often eight or ten days, longer on the route, than I thought they should have been, and, in one instance, three or four weeks.

"Since my return to the United States, a friend of mine, mentioned to mé certain letters, which had been written on a particular subject, and which he wished me to return; I had never received those letters, and enquiries have been made for them, at the post office in this city, to no effect."

Extract from the deposition of Doctor M'Caulay.

"*Question.*—Will you be pleased to state such facts, as came within your knowledge, relative to the punctuality of the mails, in their arrival at New Orleans, from the eastward?

"*Answer.*—I received many letters from the middle states, when in New Orleans, in 1809; they were, generally, very irregular in the spring, and first of the summer. I once received a letter, with the Philadelphia post mark, in about three weeks; and in three weeks, or mails after, I received another letter, of a prior date, and older post mark of the same office.

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Extract from the testimony of Doctor Daniel, delivered in open court.

"I know the mails from the north to be very irregular, in their arrivals at Washington, Mississippi territory.

"I have received letters from my correspondents in Virginia, which had been two months on the way; and while at Baton Rouge, last June, I received a letter from the same state, dated some time in the preceding February.

"It has repeatedly happened, within my knowledge, during bad weather and high waters, that several mails have been delivered, at the same time, while I was stationed in that country."

While actively and sedulously engaged, in the various duties of my station; performing, successively, the offices of physician, nurse, pioneer and commander; our police daily improving; our hospital nearly ready to receive the sick, and our labours almost terminated; I received, on the evening of the 20th of July, the secretary of war's letter of the 22d of June, IN WHICH HE, AT THE DISTANCE OF TWELVE HUNDRED MILES, IMPERIOUSLY COMMANDS ME, to remove all the troops, except a garrison for New Orleans, to Fort Adams and Natchez. This order was directed to me, after the secretary had received my letter, of the 29th of May; after his knowledge of my removal, to Terre aux Bœufs, and the motives which directed it; after the information I had given him, of the opinions of AMERICAN and CREOLE, in favour of the salubrity of that position, and with a perfect knowledge, of the ill health of the troops:—but let the peremptory mandate speak for itself, and exhibit other matter, to excite the wonder of military men.

"*War Department, 22d June,* 1809.

"Sir,

"Your several letters of the 20th, 22d, 24th, and 30th of April, of the 19th and 29th of May, and those in cypher, have been received.

"It is the continued wish, and instruction of the President, that no interference, of any kind, in the affairs of the provinces, and territories of Spain, should take place, or be encouraged, or permitted, by any person or persons, whether civil, or military, belonging to, or under the authority of the United States.

"Being unable to perceive, any advantages in the position, which you have selected for an encampment, as stated in your letter of the 29th of May, which give it a preference, over the high grounds in the rear of Fort Adams, or its vicinity, to which my letter of the 30th of April, directed, CONDITIONALLY, the removal of the troops, I am left to presume, either, that my letter has not been received, or that some causes, unknown to me, and reconcileable with the objects, stated in that letter, have governed your decision.

"I AM INFORMED BY THE ACCOUNTANT, that the amount of expenditures at New Orleans, is great; that the charges for house rent, forage, and other articles, are such, as, if admitted and continued, will soon devour our appropriations:—THE ENCLOSED MEMORANDUM WILL GIVE YOU AN IDEA OF THEM! I beg of you to interpose your authority, and put an end to them.

"*Horses for the artillery cannot be maintained, at such an expense; they must either be sent to some part of the country, where they can be maintained,* AT ONE-FOURTH OF THE PRESENT EXPENSE, OR THEY MAY BE SOLD: *on those waters, I should suppose they might be dispensed with.*

"The drivers should be taken from the line; there is no lawful authority, for the employment of other persons. Imagine, for a moment, the whole regiment of light artillery, on this scale of expense; consider the prejudices

CHAP. X.

against the army in general, which an inspection of such charges, by members of the government, is calculated to impress on their minds.

"On receiving this letter, you will be pleased, immediately, to embark all the troops, leaving a sufficient garrison, of old troops at New Orleans, and Fort St. Philip, and proceed to the high ground in the rear of Fort Adams and Natchez, (the public ground) and form encampments, dividing them equally, or in such proportions, between the two places, as your own judgment shall direct.

"The inclosed copy of an order, from the navy department, will present to you the means of transportation; the movement of the troops will be committed, entirely, to your direction: a single instruction will be added, and that suggested by the expenses already incurred; it is, that next to preserving the lives and health, of the officers and men, a rigid regard to expenditures be observed.

"One hundred common, fifty horsemens' and twelve hospital tents, have been ordered to New Orleans, since the receipt of your letter, of the 24th of April.

"It is desirable, that regular returns should be made, to the Adjutant and Inspector of the army, at the seat of government, of all the troops in the district, under your immediate command, and that the resignations of officers, be transmitted to this department for acceptance.

"I am, &c. &c.

(Signed) "W. EUSTIS.

"*General James Wilkinson.*"

Account of house rent and forage, at New Orleans, 1809, inclosed in the letter, of the 22d of June, just quoted.

"ABSTRACT, No. 8.

"No. 3.—One month's rent of a house for quarters for the additional troops, to 2d April, 1809, at $360 per annum - $ 30

"7.—House rent for the additional troops, one month, ending 7th April, at $1380 per annum 115

"8.—Hire of stabling for the artillery horses, one month, ending 8th April, 1809, at $960 per annum - - 80

"9.—House rent for the additional troops, one month, ending 31st March, at $432 per annum - - - 36

"10.—Do. do. do. at $144 per annum 12

"12.—Do. do. do. at $540 45

"13.—Shoeing 11 horses for General Wilkinson the 11th April, 1809 - - 44

"18.—One month's house rent, ending 13th April, 1809, at $432 per annum - 36

"19.—Twenty-one day's hire of do. to 10th April, at $180 - - 10,8

"22.—Shoeing 27 horses belonging to the light artillery - - 81

"26.—One month's house rent for the additional troops, ending 31st March, 1809, at $1200 100

"29.—Repairs of a house - 50

"30.—1½ month's house rent, ending 15th April 1809, at $240 per annum - 30

"31.—One month's do. to 20th April, at $540 45

"32.—One month's house rent for additional troops, to 19th April, 1809, at $480 per annum - - 40

"40.—One month's do. to 9th April, at $480 40

"41.—1½ month's do. to 30th April, at $1200 150

"42.—One month's do. to 30th April, at $1800 150

"Ten drivers of the light artillery, employed at $14 per month.

"*Abstract of purchases, commencing 1st April,* 1809.

"No. 2.—2 bell metal kettles, at $7	$	14
"4 water buckets, at $5 -		20
"5.—16 do. do. at $5 -		80
"11 tubs at 3 and 4 dollars each		37

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"6.—500 weight hay, at $60 per ton, for the hospital - -		15
"8.—84 bushels oats for the artillery, at 75 cents per bushel - -		63
"10.—Forage for 11 horses to General Wilkinson, 27 of the light artillery and 2 of Colonel Smyth's—7995 lbs. hay, at $70 per ton -	279,87	
"223 bushels oats at $1	223	
		502,87
"14.—A number of water buckets, say 53 at $5 each—corn and hay, iron pots, flannel, oats, &c. - - -		1,500

"*Navy Department, June 22d*, 1809.

"Sir,

"The secretary of war, having made application for the use of the gun-boats, under your command, for the purpose of removing the troops, under command of General Wilkinson, up the Mississippi; you may retain as many of the boats, as you may think absolutely necessary, at your present station, and detach the remainder of them on this service, which I contemplate to be simply of the transport kind. The boats so detached are to continue on that service, until the removal of the troops, shall have been completed, unless contingencies shall arise, which may require their being recalled previously; of which you are to judge. You are, yourself, to remain during this service at your station; and the boats having returned, you will be at liberty to avail yourself, of the permission, already forwarded you, "to come to the Atlantic states." You will inculcate on the officers commanding this detachment, the necessity of harmonising, with the military, in every matter, necessary to the most speedy attainment, of the object to be effected.

"Respectfully yours,

(Signed) "PAUL HAMILTON.

"*Captain David Porter, New Orleans.*"

The ingenuity displayed, in framing the charges against me, is scarcely to be matched on the records of criminal jurisprudence; and, were I not afraid of incurring the imputation of plagiarism, I would say, that where the garment does not fit the subject, the subject is made to fit the garment; regardless of the torture to which they consign the victim of traitorous revenge.

First, I am charged with a breach of orders in going to Terre aux Bœufs; then with a breach of orders for staying there; and, they might as justly have added, with a breach of orders for going away from that place. My neglects are multiplied, and, in the language of a celebrated Brigadier, they "go for the whole." Seriously, these charges are so mingled, and confounded, whether with design or not, and run into each other, with such intimate relation, that it is impossible for me to meet them, separately and distinctly; like the tints of the rain-bow, the first is scarcely terminated, before the second begins: in that, I am charged "EN MASSE," and must be excused, for meeting my adversaries, on their own principles of combat.

Reflections on the secretary of war's letter of 22d June.

I beg leave to call the attention of the court, to a concentration of the objects, of the important letter, of the 22d June; the secretary, therein, forbids all interference in the affairs of the provinces, and territories of Spain; he refers to his letter, of the 30th of April, which, in his own words, directed "CONDITIONALLY *the removal of the troops*;" and he imputes my preference of Terre aux Bœufs, to Fort Adams, "to causes unknown to him," and which he presumes, are reconcileable with the objects stated in that letter; he transmits me a memorandum, furnished by the accountant, Mr. Simmons, of certain expenditures, in New Orleans, for house rent, forage and other articles, under the orders of Colonel Parker, which were indispensable to the service; and requests me "to interpose my authority to put an end to them." He orders me, if the artillery horses, under Captain George Peter, cannot be supported "*at one-fourth of the expense*," to have them sold, "*the drivers to*

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be taken from the line," and of course those employed by his predecessor, to be dismissed; finally, he commands me, "*on the receipt of that letter, after leaving a sufficient garrison of the old troops, at New Orleans, and Fort St. Philip, to embark all the troops, immediately, and proceed with them to the high grounds, in the rear of Fort Adams, and Natchez, and form encampments; the navy department to furnish gun-boats for transportation;*" *the movement is committed, entirely, to my direction, and a single instruction, suggested by the expenses already incurred, is added, viz.* "*that, next to preserving the lives and health of the officers and men, a rigid regard to* EXPENDITURES *be observed.*"

If the qualification of the order, of the 30th of April, authorised the exercise of my discretion, for "THE PRESERVATION OF THE MEN'S HEALTH AND LIVES," the peremptory tenor of this, took away that discretion, and reduced me to the sad alternative, of encountering death, or exposing myself (under a positive breach of orders) to the ordeal I am now passing; but the case, however painful, produced no dilemma in my mind, for, between the forfeiture of his life or his honour, a soldier will not balance a moment; and my answer, of the 23d of July, 1809, which I shall insert at large, in this defence, will best exhibit the state of my feelings, on the receipt of this order, which being decisive, and from a superior whom I respected, I endeavoured to put the best face upon it, consistent with a due respect to my own sensibilities, and judgment; but if the order had come in a less imperative tone, if it had not been the result of deliberation, after the receipt of my communication of the 29th of May, and a knowledge of the diseased condition of the troops; if a panic horror had not, generally, seized upon the officers, whom I commanded; and if my own mind had not *been shaken by disease, and the* PERSECUTIONS *which assailed me on all sides;* I think it probable, I should have paused over the mandate, and sought further orders, agreeably to the earnest desire, of hundreds who

General Wilkinson acts on the order of the 22d June, against his own conviction, and the advice of many experienced soldiers and physicians.

best understood the climate, and anticipated the fatal consequences which ensued. CHAP. X.

"*Camp Terre aux Bœufs, July 23d*, 1809.

"Sir,

"Your duplicate, of the 22d ult., reached New Orleans on the 19th, and came to my hands on the night of the 20th July, at 10 o'clock; the original has not yet arrived.

"The peremptory tenor of your order, for the removal of the troops, has relieved me from an oppressive load of responsibility, and I have not lost a moment, in entering on the execution, as you will perceive from the inclosed correspondence.

"Nothing, on my part, shall be wanting to effect the transition, in the manner the most favourable, and least afflicting to the troops; though, as it is impossible, to controul the effects of the climate, I fear it will be vain for us, to fly from disease in this region, with our unseasoned recruits; for, it recurs to me, that, when we took possession, of the present healthy site of the Columbian Springs, near Fort Adams, we had 240 men down, at one time, out of about 500.

"The inclosed report of Doctor Upshaw, who should have charge of our hospitals, will give you some idea of our situation, and the diseases of the country.

"I am undetermined whether to move in a body, or in detachments; but will prefer that course, which promises the greatest expedition.

"I fear delay on the part of the gun-boats, because I know, from experience, that the gentlemen of the navy, abhor the idea of converting their VESSELS OF WAR, INTO TRANSPORTS; and, from the report of Lieutenant Carroll, it would appear, twenty-four gun-boats, the number on the station, would not carry more than nine hundred and sixty men; little more than half our force; I have, however, a remedy for this difficulty, and, if the gun-boats are furnished, shall leave behind, none but those who are too ill to be removed.

Objections of naval officers to convert vessels of war into transports.

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"You will discover, from my letter of the 18th ult., the causes which opposed our ascent of the river; the employ of the gun boats will save the expense, and the labour of the sailors that of the troops; but the tardiness of the movement, and the heat of the sun, in dog days, must endanger our health.

"The expenditures, at New Orleans, had not, as my letters will shew, escaped my attention; and I removed the troops, as early as I could, to retrench them; but, I think, they have not been of my creating. I neither ordered the rendezvous of the troops at that city, nor of the artillery horses; the houses were rented, and the buckets and forage, &c. purchased before my arrival; the eleven horses, mentioned as mine, had been sent to me, from Kentucky, for the accommodation of the officers, who performed their functions on horseback, and were shod and foraged without my privity, or approbation.

"I am so sensible of the necessity of economy, that I tremble at the idea, of putting my name to paper for any thing, but my obligations to the service, leave me no alternative. You shall not, however, have cause of complaint, from my administration.

"This establishment has cost something; but that cost will bear a comparison, with antecedent expenses, and our camp, with the necessary accommodations, is nearly completed; after which, we should not have cost the public, more than six or eight hundred dollars per month, the year round; for every incidental expense, wood, pasturage and quarters included.

"Under all circumstances, I must frankly say, that, were my discretion permitted, I should stay here, and hazard the consequences; but, as there would be hazard, I am glad of your order to move; not only because it lessens the weight of my responsibility, but because the change of place may prove salutary to our men: in all events, you may depend, that whatever my judgment, experience, personal exposition or attentions can effect, shall be done.

"Captain Gibson, has finally been appointed military agent *pro tem.* and must draw on you, if necessary; it, however, will be very sparingly. He is an officer of talents and business, and will, no doubt, give satisfaction."

In respect to military command, you are not to be informed, gentlemen, that the chief *orders*, and the subordinate *obeys;* that he who commands is responsible to the state, for the consequences of his orders, and arrangements; and that his subordinates are answerable, to him, for their execution: the merits of the chief, are tested by the judgment of his designs, and those of the subordinate by skill in the execution.

Military orders are qualified, discretionary, or absolute; extending from limitless trust, to detailed restrictions; conditional, like that of the 30th of April; positive, like that of the 22d of June; but they must be clear and concise, because the construction of every military order must be literal:—permit the smallest latitude of interpretation, and you raze the foundations of the institution, and destroy every idea of punctuality, co-operation and confidence, without which, neither the honour of the corps, nor the interests of the state, can be promoted.

What higher trust can be confided to a chief, than the life of the citizen, and the safety of the state? He represents the sovereignty of the nation; within the sphere of his authority, is responsible for the solemn trust; and to satisfy the public expectation, his power must be commensurate:—take away the means, or shackle his authority, and his responsibility ceases; it is transferred to another, and he becomes the derision of his subordinates.

The authority and responsibility of a general in chief, are commensurate—without the one the other ceases.

An officer on a distant command, in our service, is the representative of the President; and, to answer all the ends of his appointment, his authority must be correspondent; his power should be extended to the utmost limits of the law; and, under this restriction, his controul should be absolute, over every subject of his command; but our service presents a system of checks, and ba-

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lances, the fruitful sources of intrigues, factions, and discord.

The folly of issuing orders at a distance reprobated.

But peremptory, unqualified orders, at a thousand miles distance, evince an excess of temerity, which no military man will justify; because, at such a distance, true objects and true interests may be misrepresented or mistaken, and the causes which produced them, may have ceased before they may reach their destination, or a change of circumstances may have intervened, to render the execution pernicious. Fortunately for the American people, the *positive* orders of the British minister, produced the convention of Saratoga, which gave occasion to the following reflections, from that amiable man and distinguished officer, Sir Guy Carleton, in a letter to Lieutenant-general Burgoyne, dated Quebec, November 12th, 1777.

Sir Guy Carleton to Lieutenant-general Burgoyne, after the convention of Saratoga.

"This unfortunate event (the convention of Saratoga) it is to be hoped, will, in future, prevent ministers from pretending to direct operations of war, in a country at three thousand miles distance, of which they have *so little knowledge*, as not to be able to *distinguish between good, bad, or interested advices;* or to give positive orders in matters, which, from their nature, are ever on the change; so that, the expediency or propriety of a measure, in one moment, may be totally inexpedient or improper, in the next."

Corresponding opinions of Marshal Berthier.

At a more recent period, if we refer to that nation, which has brought the military art to the highest state of human perfection, we shall find Marechal Berthier, in a letter written at Charmartin, about a league from Madrid, bearing date December the 10th, 1808, (under the eye of his sovereign, the first chief of the world,) addressed to Marechal Soult, at Saldanha, about sixty leagues distant, in which, after giving him the emperor's opinions of his operations, and descending to several interesting details, he adds,

"BUT AT THE DISTANCE YOU ARE FROM US, MARSHAL DUKE, YOU MUST REGULATE YOUR OWN CONDUCT BY CIRCUMSTANCES, AND LOOK UPON ALL I WRITE YOU, AS MATTER OF GENERAL INSTRUCTIONS."*

And Lord Castlereagh possessed such a sense of military rule, that, in his letter of instructions, to Sir John Moore, of the 25th of September, 1808, he submits the debarkation, assembly, equipment, and disposition of the British army, of the Peninsula, to that excellent officer; and, to relieve the General from all solicitude, on a point of the greatest importance, in all military operations, he adds,

"With respect to provisions, the principle upon which I have acted, has been, to send three month's provisions in victuallers, with every corps that has moved, exclusive of the provisions in these transports, which may be averaged at about ten week's consumption."

* See Narrative of Sir John Moore's Campaign in Spain.

☞ Doctor Macaulay, whose deposition is given in page 387, was a native of Virginia, and the military friend of Pike; whose inborn magnanimity, warmed by the sacred flame of liberty, and animated by an unquenchable thirst for military glory, led him to abandon his country, and, surmounting obstacles almost insuperable, to join the standard of the Chilian patriots, where after repeated displays of talents and valour, he acquired the command of a regiment; but, as the author has been recently informed, after a sanguinary conflict with the royalists, he was made prisoner, and met death with that heroic intrepidity, and contempt of life, which had marked his character. Go! high minded, gallant Macaulay; to the tomb, and the converse of illustrious spirits, I consign thee; and would that my pen, could render justice to thy manly virtues, thy moral rectitude, thy glowing patriotism, thy chaste honour, and disinterested attachments.

CHAPTER XI.

Disobedience of orders, liable to the penalty of death.—Pernicious impertinence of the accountant Simmons.—General Wilkinson's arrangements for embarking the troops.—General order of 25th August.—Colonel Backus's services and remuneration alluded to.—Certificates of Doctors Thruston and Dunham, respecting General Wilkinson's hospital at New Orleans.—That establishment compared with the hospital at New York, under the direction of the secretary of war.—Testimony of Captains Christie and M'Pherson.—Hints touching the qualifications of a prosecutor.—Rule of service, respecting the march of troops.—The powers of a commanding general defined.—Transport more than necessary for the troops, in the condition they were, at the commencement of the march.—Sickness increased on the march.—Boats on this account get crowded.—Dreadful mortality ensues.—Predictions of medical men verified.—Want of regularity in transmitting clothing complained of.—A partial distribution of that article at Terre aux Bœufs.—Want of system in the clothing of the army.—Misconduct of the War Department.—Lieutenant-colonel Backus's testimony respecting clothing, contrasted with other officers.—Charge respecting the withholding pay of the troops, considered and repelled.—Instructions of Paymaster-general to his subordinate officers.—Corps paid, lost as many men, as those which were unpaid.—Slanders against General Wilkinson entirely unsupported by evidence.—Captain Gibson's and Captain Christie's evidence referred to, respecting treatment of the sick.—Civilians employed when military medical men were sick.—Colonel Parker's return of troops for march.—Hospital established under the eye of General Wilkinson.—Address from medical officers to General Wilkinson, on his giving up the command of

the army at Washington.—General Wilkinson appeals to his orderly book, for proof of his attention to the sick.—General order of Sept. 2d, 1809.—Act of the 16th March, 1802, constituting the peace establishment, referred to.—Appointment of military agents under that act, and their duties.—The military agents being independent of military controul, highly prejudicial to military operations.—The relative situation of military agents and War Department considered.—The Secretary of War's fifty dollar restriction letter.—His letter, respecting the application of money in bank at New Orleans, to public purposes.—Illustration of the powers reserved by the Secretary of War.—Letter of the acting Secretary, specially authorising the purchase of musquitoe nets.—The Secretary of War refuses payment.—Of Abraham Abrahams's bill of exchange for 1140.—Provisional appointment of Andrew M'Culloch esq. as military agent.—His instructions.

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CHARGED, gentlemen, with "DISOBEDIENCE OF ORDERS, AND NEGLECT OF DUTY," after more than twenty-five years actual and active service, I owe it to our country, and to the army, to vindicate my conduct against aspersions, which involve the essence of military character.

The magnitude of the charge of disobedience of orders, and the penalty attached to it.

"Neglect of duty," is, in itself, a disqualification for service; but "disobedience of orders," violates the fundamental principles of military institutions; *and the offender incurs the penalty of death!* I hope, therefore, I shall be excused, for occupying the time of this court, in the attempt to ascertain, the rights, obligations, and principles of our profession, and, by distinguished examples, to support my doctrine, and assert my innocence.

Imperative tenor of the order of 22d June.

I return, gentlemen, to the order of the 22d of June, which is imperative, and unqualified, as to the embarkation and movement of the troops, and, at the same time, strictly cautionary as to expenditures. I am commanded, "IMMEDIATELY TO EMBARK ALL THE TROOPS ON BOARD OF GUN BOATS." *No exception is made with*

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Unconditional restrictions, as to expenditures.

respect to the sick or convalescent, but I am to embark ALL THE TROOPS; *of course the sick and the well; and no provision is made, should the transport, provided for me, fail in season or capacity; at the same time, I am cautioned, with much solemnity, against expenditures,* EXCEPT FOR THE PRESERVATION OF THE HEALTH AND LIVES OF THE OFFICERS AND MEN; *and, at the instance of the accountant of the war department, a memorandum of articles, purchased at New Orleans, is transmitted me, under the same envelope, the prices of which are deemed inadmissible, and I am required to interpose my authority,* AND PUT A STOP TO THEM, *although many of those very articles, were purchased for* THE COMFORT, ACCOMMODATION AND CURE OF THE SICK.

I am persuaded, gentlemen, you cannot but feel indignant at the impertinent interference, of the accountant Simmons, who is unknown to the army, but as the adjuster of accounts; and you will agree with me, that if his reports, suffice to arrest a military operation, all responsibility is dissolved, and there is an end to honourable and effective service.

General Wilkinson's embarrassment, respecting transport and expenditure.

Whoever reads my letter of the 23d of July, will perceive my embarrassments, on the subject of transport, and expenditure: "I TREMBLED AT THE IDEA OF EXPENDITURE;" but the same letter will shew, that I commenced the execution of the order, of the 22d of June, with the utmost promptitude and alacrity. Yet, as that order, assigned the gun boats, specifically, for the transport of the troops, it, in effect, precluded every other resort; because it was, obviously, founded on the ground of economy, and any other mode, of my own adoption, would have exposed me, to Mr. Simmons's invidious criticisms; and, therefore, if I had adhered rigorously to this instruction, I should have been, literally, justified by my profession, for any delay which might have ensued. If, then, the detention of the troops, at Camp Terre aux Bœufs, until September, was blameable, the blame does not lie at my door, but that of the secretary of war, for failing to furnish, in due season, the transport promised

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in the order, of the 22d of June; and omitting to make seasonable provision, or any provision at all, to remedy the defect of such failure. But it appears, from the secretary's letter,* of the 10th of September, 1809, that he did not, at that time, expect the troops had moved, much earlier than they really did: the letter has been read in evidence, and contains the following paragraph:

"As the removal of the troops, from their encampment, at Terre aux Bœufs, will have been effected, and as it is deemed expedient, you should be present at the seat of government, you will be pleased, on the receipt of this letter, to make your arrangements accordingly, and proceed to Washington."

Notwithstanding the restrictions, as to expenditure, General Wilkinson ventures to hire barges.

But what was my conduct? I obeyed the spirit of the order, and, in aid of the secretary's views, I despatched an express for the damaged boats, accidentally discovered to be at Fort Adams; and, having ascertained the insufficiency of the gun-boats, I procured private barges, from New Orleans, on the most reasonable terms to the public; but, as the primary condition of this engagement, involved the repair and equipment of these boats, delay was unavoidable.

To demonstrate my incessant exertions, and personal exposure, to accelerate the movement, of the troops from Terre aux Bœufs, agreeably to my orders, I will refer to the testimony of Colonel Beall, Captains Pinkney and Dale, and Lieutenant M'Cormick;† and, if necessary, I could refer to every honourable man, who served under me; and, to prove, incontrovertibly, the urgency with which, I pressed for the gun-boats, and their almost total failure, I will call the attention of the court, to my correspondence‡ with Captain Porter, and Lieutenant Carroll, the senior officers of the navy on the station, which have been read in evidence.

* See Appendix, No. CX.

† See Appendix, No. CXI.

‡ See Appendix, No. CXII.

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Finally, four gun-boats, only, were furnished; they reached Camp Terre aux Bœufs, on the 8th of September, and sailed the next morning with the rifle corps.

Deficiency of naval transport.

It has been observed, that the order of the 22d of June, commanded me to embark, ALL the troops for Fort Adams, and Natchez, after reserving the garrisons of New Orleans, and Fort St. Philip, without RESPECT TO SICK OR WELL; but humanity forbade, the strict execution of this order; and, on the 22d of August, I ordered* Doctor Claude, to embark, on the 24th, "with such men and officers, as were fit subjects, for the general hospital, and incapable of sustaining the voyage to Natchez, and to proceed with them to New Orleans;" which service was performed, without accident or misfortune.

General Wilkinson's arrangements for embarking the men, and his selection of the sick, for the general hospital.

On the 25th, to ascertain the capacity, and condition of the troops, for the movement, I issued the following order:

"Returns from companies, are to be made to the Inspector this evening, to designate such men as may require personal assistance, on the depending movement; of the convalescents who are able to take care of themselves, but cannot march; and of those who are able to march, with, and without knapsacks, arms and accoutrements."

And on the 28th, I order,

"The sick, requiring attendance, and the most feeble convalescents, to be embarked on board the gun-boats, and their respective corps to furnish able bodied men, in the ratio of one to four, to take care of the invalids. Doctors Thruston, Cutter and Goodlet to have charge of them."

But this last disposition, was disapproved by the officers, and it was discovered, that it would make too great a drain from our medical staff; it was therefore modified.

* See Appendix, No. CIII.

I have exhibited a report,* bearing date, August the 27th, 1809, duly attested, and read in evidence, which gives the following result:

"Able to march with arms, accoutrements, and knapsacks	632	Field report of the troops, on the 27th Aug. 1809.
"Able to march without arms, accoutrements or knapsacks	350	
"Convalescents who can take care of themselves, but cannot march	382	
"Sick requiring personal assistance	178	

Thus it appears, from these returns rendered by companies, and signed by the commanding officers of each, that out of a total of 1542, present at Terre aux Bœufs, 982 were able to march; 382 able to take care of themselves, but unable to march; and 178 requiring personal assistance.

But such were my feelings, for the fate of those, who were ordered on this fatal movement, that, at New Orleans, when too ill to leave my bed, I ordered a further selection of subjects, fit for the hospital; and it appears, by the certificate† of Doctors Thruston and Dunham, duly attested, and read in evidence, that sixty-eight men were selected, and sent to the hospital; and yet I am charged with "neglect of duty—In not selecting, previous to the removal of the troops, to the Mississippi Territory, and leaving in the hospital at New Orleans, under the care of proper officers and physicians, such of the sick and convalescent, as could not be removed, without manifest, and increasing danger of their lives;" and who is brought forward to support the charge? Lieutenant-colonel Backus, who, on his oath, declares, "He was appointed a Major of cavalry, in October, 1808, and was promoted to a Lieutenant-colonelcy, eighteen months after; he joined service, *for the first time*, the 10th of May, 1809, at New Orleans, remained with his corps until the

* See Appendix, No. CIV. † See Appendix, No. CV.

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Colonel Backus's service referred to, and the sum received by him, for travelling expenses.

middle of February, 1810, and has done no duty since; he APPLIED FOR A FURLOUGH, to General Hampton, WHO ORDERED HIM* ON COMMAND, to the city of Washington, where he was paid for more than fifteen hundred miles travel, at the rate of $10 per hundred miles."

Here, then, we have a field officer, who was UNDER CONSTANT PAY FOR THREE YEARS, during which time, he has PERFORMED ONLY NINE MONTHS SERVICE; and besides his pay, has received THREE OR FOUR HUNDRED DOLLARS, FOR TRAVELLING EXPENSES; and it is by such inexperienced men, my military conduct is to be criticised!

But what says this VETERAN LIEUTENANT-COLONEL OF HORSE, when called and questioned, on the part of the prosecution? he declares on his oath, "That when encamped a little above New Orleans, orders were given, by General Wilkinson, for a selection of the sick, and that those who were fit subjects for the hospital, should be sent there; but the surgeons appointed to examine (he cannot recollect what surgeons) said, that the hospital was not large enough to receive all, and they did not know what to do; that the selection was limited, to the number the hospital could contain; that between *thirty and forty* were sent to it, all in one boat, and that many sick were, therefore, obliged to ascend the river; these *thirty or forty* were sent to the hospital, the morning the troops marched, and the boat did not return, before they were in motion." When cross-examined by the prisoner, we have the following result:

"*Question.*—Being ordered, by the General, when near New Orleans, to select the worst cases among the sick, and send them to the general hospital, was it not

* He was sent by General Hampton to Washington, to bear witness against me, and to co-operate with Major Darrington, for my destruction, before the horrible conclave, of which Thomas Newton was chairman; might it be uncharitable to say, his travelling expenses were a "quid pro quo."

your duty to have seen, that order carried into execution?

"*Answer.*—I conceived so, and acted according to the tenor of the orders, as far as was practicable.

"*Question.*—Did you, or any other person, to your knowledge, represent to the General, the insufficiency of the hospital, and require more room for the reception of the worst cases, ordered to be left?

"*Answer.*—There was no such representation to my knowledge."

Here, then, we find a prejudiced, willing witness, brought up to convict me, not only failing in proof, but producing *testimony tending to my acquittal*, was other testimony wanting; he acknowledges, that I ordered the subjects fit for the hospital, to be selected.

He acknowledges, that a selection was made, that the number was limited to the capacity of the hospital, and that *thirty or forty* were sent to it.

He declares, that the surgeons said, the hospital was too small to receive the whole number of the sick, but, that this report was not made to the General.

He acknowledges, that having received the order, for the selection of the sick for the hospital, it was his duty to have seen it carried into execution; but, that he failed to perform that duty, by not reporting to me, the insufficiency of the hospital to receive the sick.

He acknowledges, in a subsequent part of his evidence, that, at the time of the movement, I lay very ill in New Orleans.

Now, it is apparent, from these acknowledgments, that the LIEUTENANT-COLONEL OF HORSE, being, then, in the chief command of the detachment, under orders of march up the river, neglected his duty, essentially, by not reporting to the General the execution of the order, he had received from him; and, in consequence of this neglect, if any of the unfortunate soldiers, were exposed to the march, when they ought to have been sent to the

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hospital, THIS HORSE OFFICER, himself, merits condemnation and punishment, and not the General; in as much, as he could not, while confined to his room, divine either the condition of the troops, or the circumstances of the hospital; yet, it is a fact, too broad for controversy, *that two empty barracks adjoining the established hospital, were competent to receive five hundred men,* over and above the, then, garrison; and, if we cast an eye to the depositions* of those excellent officers, Captains Ragan, Wallace, Whartenby, and Gibson, we shall perceive, that they, all commanding companies, found no want of hospital room, for their sick.

But what will be your feelings, gentlemen, after all the exertion that has been made, to convict me of neglect of duty, and inhumanity, when you examine the following certificate, of the Surgeons, actually appointed to make the selection.

Certificate of Doctors Thruston and Dunham.

"*Report of sick to be sent to New Orleans, agreeably to order from General Wilkinson, the 15th September,* 1809.

3D REGIMENT INFANTRY.

Captain Darrington's company.

Hawkins. Reeves. Mechents. Conrad Smith. Solomon Jackson.

Captain Pasteur's company.

Corly Lewis. Johnes Mason.

Captain Law's company.

John Moore. Roderick Haney. John Johnes. Serjeant John Wilson. Luke Lenton.

Captain Atkinson's company.

Prisley Earley. William Pickett.

* See testimonies of Captains Ragan, M'Pherson, and Cutler, before this court.

Captain Houston's company.

Lazarus Crawford. William Blenherme. Joseph Toxeye. Samuel Johnson. Seth Smith.

7TH REGIMENT INFANTRY.

Captain Nicholas's company.

Evans. Bowman. Harris. Howard. Webster.

Captain Cutter's company.

Corporal Denham. Adam Voltenbery. John Eldridge. Smal Rea.

Captain Floyd's company.

Joumeyan. Mark Dyer. William Viers.

5TH REGIMENT INFANTRY.

Captain Long's company.

John Hicks.

Captain Bankhead's company.

Thomas Kimm.

Captain Dillard's company.

Ash. Philip Eagle. Matthew Gale. Gabriel Jones.

Captain Williams's company.

Ellis Mahoney. Moses Row. Stephen Johnson.

Captain Dale's company.

Serjeant Mainlove. Corporal Burrows. John Mills. George Lathau.

Captain Wallace's company.

James Walker.

Captain Gibson's company.

Henry Cutts. Henry Horner. Thomas M'Min.

LIGHT DRAGOONS.

Captain Biddle's company.

Matthew Brown. Robert Hutchinson. John Wolfe. Jacob Former. Edward L. Hodgson. Serjeant Francis Hubert. Charles Hewick. John Halloway.

Captain Lucket's company.

Edward Freckelton. Charles de Seent. George Niton. Joseph Judlin. William Tracy. Christian Smith. Edward M'Mullin.

Captain Cole's company.

John Wilson. Daniel Leacoft. Stephen M'Coy.

"We certify, that we have examined the different regiments and companies, within named, and report those, named as above, fit for the hospital in New Orleans; that they are incapable of standing the march, now before them, and that, upon inspection, we report that there are *several* of the men, in this report, who are fit subjects for discharge; some have hernias, and others with sore legs of long standing.

"Given under our hands at Camp near New Orleans, this 17th Sept. 1809.

(Signed) "ALFRED THRUSTON,
"*Surgeon 7th Infantry.*
"LEWIS DUNHAM,
"*Surgeon of Dragoons.*"

If there had been a deficiency of quarters to have received the men, deemed actually unfit, at the moment, to ascend the river, it was the duty not only of *the commanding officer, Lieutenant-colonel Backus,* but, particularly, that of the examining surgeons, to have reported it to me; and we have here, the very circumstantial certificate of those surgeons, in which we find no indication, of

a want of hospital room; but we discover a broad conviction, OF THE LIEUTENANT-COLONEL'S ACCOMMODATING CONSCIENCE, to speak of it in the gentlest terms.

To aggravate my neglects, *the Lieutenant-colonel believed it necessary*, to contract the hospital at New Orleans to the smallest compass possible; and, therefore, he *swears, that thirty or forty men only, could be got into it*, from the troops under his orders, then on march for Natchez;—But what is the fact?—Look, gentlemen, at the report of the examining surgeons, and you will find the names of sixty-eight men, who were sent into the hospital, from those very troops, at the precise period, to which the Lieutenant-colonel refers.

Here, gentlemen, we have a fair specimen, of the style, and character, of the testimony produced against me, before the committees of Congress and this court;—interested informers, willing witnesses, and worthless officers, whose conscious demerits, direct their eyes to the restitution of my sword, as the signal for their retreat from a service they disgrace.

My accusers would infer, from what circumstance I know not, that my general hospital, at New Orleans, was unprovided with "suitable officers and physicians;" but, as it appears, to be a mere matter of speculation, unsupported by the shadow of evidence, I shall content myself with offering the testimony, of Captain Christie and Captain M'Pherson, on the subject; and will call the attention of the court, to the striking contrast, between the hospital at New Orleans, under my orders, and the provisions made for the sick, of the garrisons in the harbour of New York, all stationed *on islands, and without surgeons, medicine and hospital stores.* Captain Christie, on his examination, makes the declarations which follow, to the 2d and 4th interrogatories, put by the prisoner, viz.

Comparison of the state of the hospital at New Orleans, under General Wilkinson's orders, with those of New York, under the direction of the secretary of war.

"*Question 2d.*—Were you acquainted, with the officers of the hospital, at New Orleans? Had you an oppor-

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tunity, of examining the accommodation, and treatment of the sick? If so, be pleased to state particulars.

"*Answer.*—I was intimately acquainted, with Doctor Spenser (surgeon), and Doctor Macaulay (surgeon's mate), the army physicians in New Orleans. Doctor Spenser, who stood high in his profession, and was experienced in the diseases of the climate, (having extensive practice in the town) visited extraordinary cases in the garrison and hospital.

"Doctor Macaulay had the immediate, and principal superintendence of the hospital: his care and ability, in managing it, were applauded by every one, I ever heard speak on the subject; in fact, he rendered that institution, in point of organisation, and police, equal to any of the kind I ever saw: I never knew sick soldiers, meet with any thing like the care, and attention they received there.

"*Question 4th.*—Have you ever found a deficiency of medical aid, medicines and hospital stores, at any post in the Atlantic states?

"*Answer.*—The only army physician, in the harbour of New York, resides and practises in the city.

"Governor's island is about a mile from the city; Bedlow's and Ellis's islands, are about two miles from it; not to mention the difficulty of crossing, in tempestuous weather. I have frequently sent my boat for the physician, and not been able to find him; so that it often happens, that sick men are not seen by him, for a day or two, at a time. As to medicines and hospital stores, there were none on Ellis's island: I sometimes procured a little from Bedlow's island, where there was but a very scanty supply: I have heard the medicines and hospital stores, repeatedly, complained of, by the physician, as to quantity, quality and assortment: they were, usually, sent on from Philadelphia, though I did hear of his having once received permission, from the secretary of war, to purchase to the amount of a hundred dollars in New York."

Captain M'Pherson, on his examination, makes the declarations which follow, to the 10th and 11th interrogatories, put by the prisoner.

"*Question 10th.*—What was the medical attendance in the harbour of New York, at that time? (the summer and fall of 1810.)

"*Answer.*—There were two physicians; one attending Governor's, and the other Ellis's and Bedlow's islands; the one a citizen and a practitioner in the city, the other of the army, and, I think, likewise practising in the city. During tempestuous weather, it was almost impossible for them to give proper attention to the garrisons.

"The sick, on Bedlow's island, during my command, have been days and nights, without medical assistance, from the physician, and in the fall and winter, it would, frequently, have been impracticable, to have rowed a boat to Bedlow's island.

"I remember, that Captain Johnson, commanding on Ellis's island, prescribed to his sick, as I did, sometimes, from necessity, to mine.

"*Question 11th.*—Do you think it possible, for a physician, residing in the city, to attend those islands with effect?

"*Answer.*—I do not; for, in the fall and the winter months, I have known several attempts, to be made with a boat of six oars, to pass to the city from Bedlow's island, without effect, and at the risk of every life on board; therefore, in case of a sudden, and dangerous attack of sickness, a soldier might expire before assistance could reach him; or a physician might be drowned, in the attempt to offer it; the one who attended Bedlow's island, had nearly met this fate, and, as well as I recollect, some of his boat's crew perished.

"The great fogs on the bay, are, of themselves, an obstacle to such attendance, for persons are sometimes on the water, several hours, without being able, to reach the point they set out for, at a very short distance."

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With equal justice, I am accused of "so distributing the men in transports, as to incommode both the sick and the well."

Any person, who commences a military prosecution, should certainly understand the ordinary principles of service; for, if this charge could apply to any body, it would be to my subordinates.

Rule of service examined, in respect to the march of military corps.

In the movement of armies, gentlemen, need I tell you, what is the rule of service? Does the minister of war prescribe the mode, or provide the means of transport? Certainly not, in any army of the world but our own; and with us, the very act dissolves the responsibility of the officer, and attaches it to the minister: and what will be the result of such an innovation? Inefficiency, failure, and misfortune, nine times out of ten: if foresight, vigilance, activity, zeal, talents, skill and experience, be necessary to the able conduct of armies, no man (as I have before observed) can command, with effect, at a distance; much less one, utterly unacquainted with military science, or the art of war.—A Carnot may, by telegraphic communications, direct the co-operation of distant armies; but he can neither direct the march, nor fight the battle; these functions are inseparable from the commander on the spot; the rule of service, in the movement of armies, is this:—the chief, aided by his staff, makes the necessary estimate of transport, for any impending march, and assigns the quantum for the different corps, in due proportion: he then gives orders to the quarter-master general, to provide and distribute; and the commanding officers of corps, become answerable for a fair and equal distribution, to their regiments, battalions, and companies; but with the handful of troops I commanded, and without a staff to aid or co-operate with me, I, in person, made the distribution of boats to the corps, and if they were not, afterwards, fairly divided among the companies, it was the fault of their commanding officers, or the regimental quarter-master.

That the diseased men, and those in health, should move together, was a necessary consequence of the move-

ment; because the former were indispensable to work the boats, and take care of the latter. I make no doubt, that the boats became crowded in the progress of the voyage; but this did not proceed from any defect in the original arrangement; it was the inevitable consequence of the movement itself.

Ample transport provided.

To test the fact, as to the capacity of the boats, provided by me, to receive the troops, and to exhibit the precautions, I adopted, to make a fair distribution of the transport; I beg to call the attention of the court, to the return* of the 27th of August, 1809, which from 1542, the aggregate of the troops at Terre aux Bœufs, gives 982 able to march, leaving about one-third with the boats; yet it will not be denied, that the *whole number* did embark in the boats, provided for their ascent of the river, at Terre aux Bœufs, and traversed the Mississippi, from the left to the right bank, where it was a mile wide.

It follows, then, of necessity, that if the transport was competent to receive 1542 men, it certainly could accommodate half that number.

Causes which crowded the boats.

No doubt, the march presented a scene of disease and death; it had been anticipated by hundreds: every day multiplied the sick, and crowded the boats, until there was scarcely a man left who could crawl:—But, gentlemen, I am not to be held responsible, for the consequences of an order, which I was bound to execute, in the best manner in my power.

Captain Gibson, of the light artillery, who was brought forward to criminate me, swears, "*he heard no complaints for want of transport; that* HE *was satisfied, and he believes, Captain Darrington was also satisfied with his batteau, called by him, the Royal George.*" Captain Ragan made the voyage, "*on board a gun boat; he had no men whom he considered fit subjects for the hospital, as he passed New Orleans, and was comfortably provided with clothing, medicines, hospital stores and provisions; yet his well*

* See Appendix, No. CVIII.

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men sickened and died; he lost four men at Camp Terre aux Bœufs, and after he left that place about thirty."*

Instance of disease in the General's barge.

Even in my own light barge, with a stout chosen crew of twenty, where nothing of convenience or comfort was wanting, in spite of every care and attention, my men sickened, and three of them died on the voyage.†

Dreadful mortality produced by the march of the troops.

The sun, the dews, and the noxious exhalations from the banks of the river, were not to be resisted by the strongest constitution; and thus the predictions of Captain Dale, of Doctors Upshaw and Thornton, and many others, were lamentably verified:—"YOUR SICK WILL DIE, AND YOUR WELL WILL SICKEN," said the meritorious Dale, when I asked his opinion of the movement.

To augment the mass of crimination, and, it would seem, to compensate the defects of the quality, by the immensity of the quantity; I am charged, with "not giving orders to the troops, to receive their necessary clothing, pay, medicines and hospital stores."

It will not require much time or pains, gentlemen, to expose the fallacy of these charges: with respect to the clothing, it is to be remarked, that it was not addressed to me, nor did I receive orders or advice respecting it.

The anarchy of the department of clothing exposed.

When our military establishment was on the soundest footing, at one time a quarter-master general, and at another a clothier-general, received and distributed the clothing, to regiments and corps, under the orders of the commander; subsequent to the revolution, and during the Indian war, the same course was pursued; the regimental paymasters‡ used, formerly, to keep the accounts of clothing, and held the captains of companies responsible; but, in the year 1807, by an ordinance of the war department, of the 1st of December, the commanding officers of companies were directed, to make annual returns for clothing, directly, to that department; and the practice has since obtained, to pack and mark the cloth-

* See Captain Ragan's testimony.

† See Captain Pinkney's testimony.

‡ See deposition of Captain Pinkney.

ing, distinctly, for each company, and address it, sometimes, directly to the captains, and, sometimes, to other officers; in fact, I know of no fixed rule, for the government of this important department.

It is manifest, from my general orders, that clothing had been offered for issue, at Camp Terre aux Bœufs; and Colonel Beall, Captain Gibson, Captain Wallace, and other officers prove, that a partial distribution took place there, and that a surplus was left on hand, and carried up to New Orleans. If it should be asked, where this clothing came from, I would answer, that it had been sent to the Mississippi, for Strong's and Swan's companies, which were reduced, and the clothing was carried, by mistake, to Terre aux Bœufs.

Case of the clothing for two companies.

To exemplify the improvidence and total want of system, in this most expensive department, I will state, from recollection, that clothing for two complete companies, (Beall's and Desha's) was forwarded from Philadelphia, in the year 1809; the first to New Orleans, and, I think, the last to Gibson's Port, in the Mississippi territory. Beall never accepted his appointment, and Desha soon resigned; and it will be difficult, I conceive, to discover what became of the clothing addressed to them; for, since the abandonment of those principles and practices, which governed and directed our revolutionary career, in all the great departments of the army, it is a question, in my breast, whether a single account of expenditures, in any branch, has been definitively adjusted, excepting that of the paymaster. What, then, has become of responsibility, the life and soul of military service? It has yielded, Mr. President, to the entire disruption of that chain of subordination, and dependence, on which the effect of military institutions depends; it has been sacrificed to projects and innovations, at hostility with those institutions. Permit me to illustrate my ideas:—The army, it is said, is commanded by the general; but the officers who are appointed to meet every expense, act under specific instructions, from the war department,

General misconduct of the war department.

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and are often authorised, to controul the general's arrangements.

As to the clothing, arms, and military stores, they appear to be under no general superintendence.*

In the 8th section of the act, to fix the military peace establishment of the United States, it is enacted, that the troops shall have a specific annual allowance of clothing, "and the secretary of war is authorised to cause to be furnished, to the paymasters of the respective districts, such surplus clothing as he may deem expedient; which clothing shall, under his direction, be furnished to the soldiers, when necessary, at the contract prices; and accounted for by them, out of their arrears of monthly pay."

Hence it may be inferred, that it was intended, the uniform clothing should be distributed, and accounts of it kept by the district paymasters; but no such arrangement has existed to my knowledge.

Lieutenant-colonel Backus's testimony, respecting the issue of clothing.

With respect to my neglect, on this head, it is attempted to be supported, by the testimony of Lieutenant-colonel Backus; and what does he state?—"That some of the men, in his corps, suffered for want of clothing, and, from what he saw and heard, other corps also suffered: several of his officers mentioned, that they would like to have a part of the clothing, such as blankets, shoes and pantaloons, of which they were mostly destitute. He heard none express a wish for a full delivery; and he knows, many of the officers were opposed to receiving their clothing at that time: he supposes a general delivery, would have been burthensome, and that a part of the clothing would, in such case, have been lost; [but he does *not know, that any application was made to the General on the subject of clothing.*"†] But the Lieutenant-colonel has sworn, "that in general orders, at Terre aux Bœufs, returns for clothing were required, and that a

* See the testimony of Captains Pinkney and M'Pherson, on the subject of clothing.

† Left out by the judge advocate.

quantity was issued; but that a sufficient supply could not be obtained, the General observing, it was not due yet." He admits, "that about the time the troops moved from that place, he understood, a quantity of surplus clothing was removed, from Terre aux Bœufs, to New Orleans." [He adds, "that he saw some of the clothing (the new clothing), after the troops reached Washington, Mississippi territory; that some of it was not sewed together, and had no buttons."*]

Now, what shall I offer, in refutation of this charge? Is any thing more necessary, than the testimony of this witness?—on whom my accusers have so much relied. He says, no application was made to me for clothing, "at New Orleans;" and, of course, if the distribution of the article had depended, entirely, on my volition, no issue could have been made; because, it was impossible for me to understand, the individual wants of the soldiery, except through the medium of their officers; but the clothing being packed, and addressed to the company officers, by the public agent, at Philadelphia, there exists no regulation, within my knowledge, to prevent his demanding it when due: the very idea of delivering new clothing to troops, about to commence a toilsome march, into winter quarters, is too preposterous for a soldier to dwell upon a moment; and, in our situation, Colonel Backus's claim, to partial issues, is equally absurd; since there was no person, authorised to make such issues, or obliged to keep accounts of the articles issued. Here again, if the troops suffered for clothing, it *was the fault of their officers, and not of the General;* but, from the flimsy, loose, contradictory tenor of Lieutenant-colonel Backus's testimony, throughout, it will obtain no credit, when opposed to that of such officers as Captains Ragan, Wallace, Gibson, Cutler and Whartenby: some of these gentlemen refused to draw clothing, at Terre aux Bœufs, and they all agree, that they heard neither complaints,

* Left out by the judge advocate.

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nor sufferings for the want of it, and as a matter of choice, would not have received it, at New Orleans.

Lieutenant-colonel Backus says, that some of the new clothing, which he saw at Washington, was not sewed together—and had no buttons; How, then, could it have been used, even if it had been issued? Lieutenant-colonel Beall and Captain Gibson, declare the clothing was moved with the troops, and accompanied them up the river; and, in consequence, if the necessities of the troops required, it was always at hand.

Charge respecting the pay of the troops.

The next of the minor offences, imputed to me, is the withholding the pay of the troops: which has been pressed with an ardour, that threatened desolating consequences; but, will not those, who have reposed faith in this charge, blush, as well for their ignorance as their injustice, when they peruse my "General Orders," my letters to the secretary of war, and my correspondence with the Paymaster, Lieutenant Knight, on the subject? let any one examine, the 16th section of the law, of the 12th of April, 1808; let him peruse the instructions of the Paymaster-general, to his subordinates, and examine the deposition of the District Paymaster, Lieutenant Knight, and if not dead to sensibility, they must reject this accusation.

Extract from the testimony of Lieut. Knight, respecting the pay of the troops.

The District Paymasters are appointed by the Paymaster-general; they act under his orders, and are responsible to him. Lieutenant Knight being asked, "was it required of you, among the duties of your office, to wait for orders from General Wilkinson, before you paid the troops, or to pay them of your own accord?"—Answers, on his oath; "I conceived myself bound to make the payments, as punctually as I could, *without waiting for orders.*"

It is true, that he did propose, in the beginning of September, to pay up the troops to that period; but, what was our situation at the time? every hand, that could move, was actively engaged in preparation for the ascent

of the river; the troops had been, just before, paid up to the 30th of June, agreeably to law, and had received $10 each man; more than sufficient for the march before them: yet, I opposed no other obstacle to his will, than merely to observe to him, that "the troops were about to move, and that the companies would be so divided, he would not be able to complete the payment."

Reasons why the troops were not paid at Terre aux Bœufs.

But it is evident, that the Paymaster did not conceive, this an objection to the payment on my part, because it appears, from his deposition, "that he afterwards paid up the 3d regiment, to the 1st of September; and he declares, on oath, that if the several regiments, or corps, had been provided with paymasters, and had called on him at New Orleans, as they ascended the river, he would have put funds into their hands to pay the troops."

It will be seen from the same testimony, that, although unauthorised, I endeavoured, but in vain, to remedy the defect of Paymasters, by the appointment of Lieutenant Barclay and Ensign Jamison; it follows, inevitably, that if the troops suffered for want of their pay, the blame cannot attach to me, because I have no controul over the department. But why this charge? since it appears from my letter, of the 13th of April, 1809, to the secretary of war, and from the testimony of the District Paymaster, himself, that great irregularity has always prevailed, in making payments to the troops. It appears, also, that I pointed out a remedy to the evil, in my letter, of the 13th of April, but that letter was never, even, acknowledged.

Lieutenant Knight, also, deposes, that "after the troops had left New Orleans, on their march to the Mississippi Territory, General Wilkinson sent for me to his quarters, when he was about leaving New Orleans, himself, and asked me, if I were in readiness to ascend the river; and I replied, to him, that if I did go up, I should not be able to make arrangements, for paying the rest of the troops in the district." Could I, consistently, compel him to abandon his instructions, and neglect some corps for the accommodation of others? And would I not have

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justly incurred censure, by forcing him from New Orleans, which he, Lieutenant Knight, on his oath declares was the only place, where he could, "conveniently, make general arrangements, for paying the troops, in the various parts of the whole district?"

After all the pains which have been taken, to compel me to this exposition of facts, in defence of my reputation, it may be said, with truth, that the enquiry is, utterly, unimportant, only as it may effect a reform of the pay department; for notwithstanding the opinions, which have been offered, about the sufferings of the troops, for the want of their pay, it is demonstrable, that if the whole of them, had received the last cent of their arrearages, it would have worked no change in their destiny; to prove this, I will refer you, gentlemen, to the fate of the 3d regiment of infantry, which was paid up to the 1st of September, and yet lost as many men on the march, as any other corps, in proportion to its strength; and the same was the case with the companies, commanded by Captains Ragan, Wallace, Gibson and Whartenby, whose men needed neither cash, clothing, nor hospital stores, as they have sworn.

The next, among the minor charges, imputes neglect to me, "In not giving orders to the troops, to receive their medicines and hospital stores." But I am not able to discover, on what this charge is grounded, for, although *degraded from command, and hung up almost two years*, as a spectacle of *public reproach*, neither the power, the art, nor the corruption of the combination, formed against me, has been able to produce a particle of testimony, to sanction this slander, even, from among the number of presumptuous opinionists, who have appeared against me.

But, gentlemen, although this charge is too feeble to stand alone; although it is unsupported by a shadow of truth, and my simple denial would suffice, to throw it to the ground; yet, I must intreat your indulgence, while I call your attention to testimonies, not to refute a charge, as unsubstantial as "the baseless fabric of a vision," but to rescue the noblest sentiment of my breast, my sensibi-

lity to the ills of my fellow-creatures, from imputation. Turn, gentlemen, to the acknowledgments of Lieutenant-colonel Backus, and of Captain Gibson, of the light artillery, brought forward, on the part of the prosecution; the first, after he had by misrepresentations, and by the suppression of truths, done all he could to destroy me, was, on his cross-examination, obliged to acknowledge before this court, that "I used every exertion to supply the defect of medical assistance, and employed private physicians for the purpose; that I used every exertion, to procure comforts and necessaries for the sick; and, also, fresh meat for the well, until the contractor began to furnish; that I gave orders to the military agent, and brigade quarter-master, to supply stores, provisions, comforts, and necessaries for the use of the sick, and convalescents; and that I was very attentive to the sick, and did as much as could have been expected of a general officer." And Captain Gibson, bears testimony to my humanity, and my attention to the sick, and confesses, that he owes his life, to my personal tenderness and care. "The General (says Captain Gibson) did pay the greatest attention to the police, health, and comfort of the troops; frequently visited the sick, and bestowed the most humane attention upon them; I was taken to his quarters, when sick, and my life saved by his attentions." He knows, that physicians "were employed to assist the surgeons of the army;" and of "medicine, during the movement up the river, there was more than could be used;" he "presumes, the surgeon drew the usual supply of hospital stores, and he knows, he had a sufficiency of tea, sugar, chocolate, brandy, and wine:" he adds, "that Mr. M'Cormick, quarter-master to the 7th regiment, had charge of the boat, containing the quarter-master's stores, and attended to the issue and distribution of hospital stores; but, whether the stores were sufficient for the whole army, he does not know."

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General Wilkinson's tenderness to the sick.

That highly respectable veteran Colonel Beall, whose information, founded on the experience of many years

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service, is worth whole squadrons of the military empirics, who now infest the army, on his oath declares,* that "the General appeared very anxious with respect to the medical department; frequently calling on the surgeons, consulting with them, enquiring into the state of the stores, &c.; and when there was a want of medical aid, which was produced from the indisposition of our surgeons, citizens of the profession were employed, (one at least) and in one instance, a Captain† of the line taken from his duty, and given the charge of a regiment; the General's anxiety and solicitude, for the comfort of the sick soldiers, did not rest on an enquiry of the usage and attendance; but he, personally, visited the hospital and tents of the sick, both officers and men; and frequently furnished the sick officers with wine; and took many that were dangerously ill, into his own quarters; some of the sick, as occasion required, were sent to the hospital at New Orleans.

"As the want of hospital stores and medicine occurred, (the vessel containing a supply of those articles from the states, not arriving until August) the General directed them to be procured at New Orleans; as, also poultry to be given to the men, most in need, at the discretion of the surgeons."

Colonel Beall has also declared, before this court, that "medicines and hospital stores, were issued, under his express orders, to the requisition of the surgeons, both at Point Coupée, and Fort Adams, in the route of the troops to Natchez."

Captain Dale, of Delaware, who was compelled to act as a surgeon, at Terre aux Bœufs, to supply the defect of the medical staff, on his oath, declares‡ that "from the opportunity I had of observing the conduct, of the

* See Fourth Report Committee of Congress, Mr. Newton chairman, read in evidence before the court, not being printed.

† Captain Dale.

‡ See Fourth Report Committee of Congress, Mr. Newton chairman, read in evidence before the court, not being printed.

commander in chief on the New Orleans station, (and I believe I had as good a one as any officer in the army, having performed duties both in the line and medical staff) I believe him to be the accomplished gentleman, the gallant soldier, a father to his sick troops, and a sincere friend to his country." CHAP. XI.

This gentleman, eminent for his professional skill, and distinguished for personal virtues, adds, "The progress of disease at Terre aux Bœufs, both in numbers and alarming symptoms, evidently bore proportion to the advance of the summer heat; thereby forcing conviction, on every sensible and reflecting mind, that the climate, and not the local situation of the camp, was the cause of the sickness among the troops. Had it been otherwise, the diseases would have been, in an inverse ratio, greater in number, and more malignant in symptoms, in the months of June and July, when the wetness of the ground, and the police of the camp were, confessedly, worse; but the official returns of the army prove, this not to be the fact.

"Making a proper allowance for raw recruits, the great dissimilarity between the soldiers and citizens' life, I have no doubt, that out of a given number of the natives of the coast, an equal number would have been found sick, with those in the army; many of the planters having from thirty to forty slaves, confined at the same time."

These observations, of an able and an experienced physician, on the spot, it is believed, will satisfy every candid mind, that no reliance is to be placed on the opinions, which have been sought with such avidity, from undisciplined field officers, and unfledged subalterns; to make the position, at Terre aux Bœufs, the cause of the diseases which afflicted the troops; which commenced before they landed at New Orleans, and progressed rapidly in that city, until their removal from it.*

* See Colonel Parker's return for March, which shews, that out of a detachment of 600 men, 200 sickened in the ascent of the river.—

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Doctor Thruston deposes, that "the attention of General Wilkinson to the sick officers and soldiers, was very great: I have often seen him visit the sick in their tents, and express great solicitude for their comfort and safety: I have heard him complain often, of the want of attention of officers to their sick, and urge to them the necessity of such attention.

"Those officers, who were most ill, were provided with quarters, and received the advantages of his table. I speak with truth, when I avow, that I never saw more anxiety and solicitude, by any person, than was shewn by the General, in the whole course of his command, at Terre aux Bœufs."

Captain Chrystie deposes, that "General Wilkinson's conduct towards the sick was such, as becomes a man and an officer: in his quarters were, always one or two sick; some of these strangers, with no claim upon him but their situation: he visited sick officers and men, frequently, in and out of hospital; sent many of them wines from his own table, and was, in the case of more than one, both nurse and physician."*

Captain Macpherson deposes, that the General was attentive to sick officers and men: "His conduct, in this respect, was marked with the most impressive feeling; sick officers were taken to the small house he occupied, where they received humane attentions; the sick soldiers were removed from the line to the rear; repeated orders were issued relative to their nourishment, and an hospital established, directly, under his own eye, a few paces from his dwelling.

See, also, the returns for April and May, and the secretary of war's acknowledgment of April 27th, 1811, as follows:

"By the returns of the 4th of March, it appears, that more than one-fourth part of the troops were sick."

* See Fourth Report Committee of Congress, Mr. Newton chairman, read in evidence before the court, not being printed.

"Beside the army medical staff, citizen physicians were employed, and the General seemed deeply and sensibly interested, in the fate of the troops."*

Doctor Goodlet, before this court, on his oath, declares, that "General Wilkinson's attention to the hospital department, certainly, was incessant, and demonstrative of great anxiety for the sick. I recollect General Wilkinson called on Doctor Thruston and myself, and desired us to make out requisitions, for such articles of medicines and hospital stores, as might be necessary: he appeared to me to exert himself very much: I frequently saw him walking along the lines, a little after beat of reveille, and he frequently called on me, while examining the sick, and then expressed himself in such a manner, as to convince me, he was very solicitous about the welfare of the men.

"Doctor Claude went to New Orleans, from Terre aux Bœufs, by virtue of an order from General Wilkinson, as I understood, for the purpose of getting medicines; and, in concert with Doctor Spencer, to select and distribute them among the different corps, according to their number, and their wants; that duty, as I understood, was performed by Doctors Claude and Spencer, previously to my leaving Terre aux Bœufs.

"I went in the same boat with Doctor Thruston, surgeon of the 7th regiment, in which boat there were three companies of that regiment. I know they were supplied with medicines and hospital stores, because I frequently made use of medicines out of that boat, for those I attended, as it was more convenient to prepare my medicines, as the boat was moving. I do not recollect, that I heard any complaints, and suppose there could have been none, as I knew the boat, in which Doctor Claude took his passage, had a supply of medicines and hospital stores, for the whole. I know this, because the articles

* See Fourth Report Committee of Congress, Mr. Newton chairman, read in evidence before the court.

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of that description, to be left with the sick at Point Coupée, were taken out of that boat, or out of the boat, in which the quarter-master sailed; I cannot be certain which of the boats, or whether the quarter-master and Doctor Claude went in the same boat.

"General Wilkinson, at the Washington cantonment, before the arrival of Brigadier-general Hampton, gave the hospital surgeon unlimited power, to purchase whatever might be deemed necessary for the sick; and, at the same place, employed additional assistance from the country practitioners."

The whole medical staff of the army at Washington cantonment, immediately after I had resigned the command, with a magnanimity which will, always, reflect honour on their independence and their justice, addressed to me the following note.

"*Cantonment, Washington, Jan. 23d*, 1810.

"Sir,

Address of the medical officers to General Wilkinson, after he gave up his command, to brigadier-general Hampton.

"As you have resigned the command of the troops, to which we are attached, this letter cannot, by the most malignant, be ascribed to any improper motives; and we beg you to be assured, that it proceeds from the most disinterested source, and is produced by a temper of justice only.

"In offering to you our best wishes, for your future health and happiness, we should not do justice to our feelings, nor your conduct, if we omitted to acknowledge your incessant attentions, to the department of which we are members; or failed to give testimony to your solicitude, your tenderness for, and fostering care of the sick; for it was, Sir, to the supplies of extraordinary comforts and necessaries, which you from time to time have ordered, that we owe the lives of many men; and whatever may have been the misrepresentations, which have gone forth on the subject, we have no doubt, the consciousness

of your own good conduct, will afford you the richest reward under heaven.

"We have the honour to remain,

"Your very obedient and humble servants,

(Signed)

"J. W. DANIEL, *Hosp. Surg. U. S. Army.*
"D. CLAUDE, *Surgeon Light Artillery.*
"ALFRED THRUSTON, *Surgeon 7th Inf.*
"WILLIAM UPSHAW, *Surgeon 5th Inf.*
"SMITH CUTTER, *Surgeon Rifle Corps.*
"LEWIS DUNHAM, *Surgeon Dragoons.*
"A. G. GOODLET, *Surgeon's Mate 7th Inf.*
"THOMAS LAWSON, *Surgeon's Mate.*"

These details have not, I am persuaded, gentlemen, been necessary to convince you of my wrongs; but they have been essential to assert my innocence, of the foul imputations, aimed at my humanity by my accusers, who would not only degrade me, from the rank I hold, but would banish me the society of Christian man.

I close the investigation of this point, by quoting the following general order, which proves, incontestibly, the feelings and the zeal, which gave direction to my conduct in command.

"GENERAL ORDERS.

"*New Orleans, September 2d,* 1809.

"Doctors Spencer and Claude will receive, receipt for, and make the necessary distribution of medicines and hospital stores, which are now landing from the North Star."

From this order, gentlemen, two facts are apparent; viz.: that there was no military agent, to receive those medicines and stores: in consequence of which, I imposed the duty on Doctors Spencer and Claude; and, that the supply of medicine and hospital stores was not landed, at New Orleans, on the 2d of September.

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Having thus, gentlemen, driven in the scouts and reconnoitering parties of the enemy, I shall endeavour, and I hope successfully, to repel his main attacks, made under the cover of the contractors and military agents departments, with as much facility.

I am charged, "with not ordering the military agent at New Orleans, to make the necessary advances of money, to the brigade and regimental quarter-masters." This charge, gentlemen, necessarily involves a discussion of some length, which will be found interesting, not only, to the prisoner, before you, but to the military establishment of our country.

To ascertain my authority over the military agents, it will be necessary to examine the constitution of the office, the instructions, under which they act, and the practice which actually prevails. The act of the 16th of March, 1802, which determined the military peace establishment, in the 3d section, authorises "the appointment of three military agents, and such number of assistant military agents, as the President shall deem expedient: not exceeding one to each military post; which assistants shall be taken from the line." And in the 17th section of the same act, it is ordained, that, "it shall be the duty of the military agents, designated by this act, to purchase, receive, and forward to their proper destination, all military stores, and other articles for the troops, in their respective departments; and all goods and annuities for the Indians, which they may be directed to purchase, or which shall be ordered into their care, by the department of war.

Appointment of military agents.

"They shall account with the department of war, annually, for all the public property, which may pass through their hands, and all the monies which they may expend, in discharge of the duties of their offices, respectively; previous to their entering on the duties of their offices, they shall give bonds with sufficient sureties, in such sums as the President of the United States shall direct, for the faithful discharge of the trust reposed in

them, and shall take an oath, faithfully, to perform the duties of their respective offices."

Such being the constitution of the department, it follows, by fair deduction, and is warranted by usage, anterior to the accession, of the present secretary of the war department; that the three principal agents, were taken from the rank of citizens, and were held solely responsible to the war department, without, even, an indication of their subordination to military rule: this being the foundation, the superstructure will bear me out in the assertion, that it was not intended, by the law, the military agents should be *subject* to military controul, but they are undeniably authorised, and justified, to check the disbursements, and of course, to shackle, or to defeat, at their discretion, the operations of any officer, with whom they may be associated.

The independence of the military agents tends to shackle the operations of a commander.

This is, indeed, putting "THE BABY TO BEAT THE NURSE," or to use a metaphor of the immortal Franklin, it looks like "TACKLING A HORSE TO THE REAR OF A WAGON, TO HELP IT UP THE HILL."

To place before you, gentlemen, in the most obvious light, the actual relation of the military agency and the war department, I shall submit to you, several letters and instructions, which have fallen into my hands by accident, or have been procured from the secretary of war.

"*War Department, April 26th,* 1808.

"Sir,

"I have received yours, of the 28th ultimo, and request you will give, all the aid in your power to the engineer, both as to men and materials.

"The commanding officer will be directed, to furnish all the artificers, in their respective companies, to aid in the erection of the fortifications.

"You will not consider yourself authorised, to pay the drafts of any assistant military agent, which shall not, in point of form, be conformable to the rules and regulations; no considerable sum ought to be expended, which is not authorised by this department.

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"The expense for moving the detachment to Mobile, was unreasonably extravagant, and ought not to have been sanctioned.

The discretion of a commander limited to 50 dollars.

"Fifty dollars, is the highest sum to be allowed, in any case, not previously authorised, except in extraordinary instances.

(Signed) "H. DEARBORN.

"*Abraham D. Abrahams Esq.*

"*Military Agent, New Orleans.*"

On the 12th of May, 1808, the military agent, at New Orleans, was prohibited drawing on the secretary of war for funds, and was informed, they would be deposited for him in the "Bank of Discount and Deposit," in New Orleans; a copy of this letter, I am assured, cannot be found in the war office; yet, I shall produce proofs of its existence, from both the secretary of war, and the military agent; the following letter has direct reference to it, and to satisfy some exception of Mr. Abrahams, explains the causes of the arrangement.

"*War Department, July 8th,* 1808.

"Sir,

"Your letters, of the 30th May, 1st and 6th of June, have been received.

"The arrangement, made by my letter, of the 12th May, was in consequence of the desire of the secretary of the treasury, that, the public money in Bank, at New Orleans, should be applied, as far as it was necessary, to the payment of expenditures on public account, at that place. No idea of impropriety in your conduct, was blended with this arrangement.

The Flag.

"You will please to let Colonel Freeman have the flag he desires.

"I am, very respectfully,

"Your obed't. serv't.

(Signed) "H. DEARBORN.

"*Abraham D. Abrahams Esq.*

"*Military Agent, New Orleans.*"

"*War Department, Aug. 20th*, 1808.

"Sir,

"Your letters, of the 20th and 27th of June, having been received in the absence of the secretary of war, were transmitted to him for instructions; I am now directed by him to inform you, that a distinction is, at all times, to be observed, between the ordinary and usual expenditures, for common contingent purposes, and what relates to fortifications, mounting cannon, preparing ammunition, &c.: in relation to the latter objects, you are to comply, *generally*, with the *necessary demands* of the *engineer*, or *commanding officer*, at New Orleans.

"For the present season, you will please to procure a reasonable supply of musquitoe nets for the troops; but, hereafter, they will be purchased by the purveyor of public supplies. The purchase of musquitoe nets authorised.

"A *moderate expense* for repairing the block house, at Washington, Mississippi Territory, *may be paid.*

"I am, very respectfully, Sir,

"Your obed't. serv't.

(Signed) "JOHN SMITH, *C. C.*

"*For the Secretary.*

"*Abraham D. Abrahams Esq.*

"*Military Agent, New Orleans.*"

The only remark I shall, at present, make on this letter, is, that if it had been sent to the committee of Congress, of which the honourable Thomas Newton was chairman, it would have saved them many useless enquiries, about musquitoe nets: which, it seems, were to be provided by the purveyor of public supplies, at Philadelphia, and not the military agent, at New Orleans; What then did I not hazard, in ordering them to be provided for the sick? and, yet, how grossly have I been censured, for not supplying the whole army with them, in the face of a positive order, from the war department. Remarks on the special order for purchasing musquitoe nets.

"*War Department, Dec. 12th,* 1808.

"ABRAHAM D. ABRAHAMS Esq.

"*Military Agent, New Orleans.*

"Sir,

"You will please to take the earliest measures, for securing quarters for about two thousand additional troops. After ascertaining, what number can be accommodated in the public buildings, you will engage other buildings, sufficient for the remainder, on the best terms you can; it will be advisable not to have it known, that you want quarters for any number of troops, until you shall have secured as many as may be necessary; and it will be expedient, that you give no intimation of the expected arrival of additional troops, except two or three companies.

"If barracks can be erected for four or five hundred men, in the course of two months, without interfering with the progress of fortifications, I wish you would have them erected of wood.

"The fortifications ought to be completed with all possible despatch.

"You will procure materials for bunks, benches, &c. &c. and fuel for the barracks: and quarters, you may hire or erect.

"I have, this day, ordered *ten thousand dollars* to be sent you on account of the *contingencies of the army*, and a *like sum for fortifications.*

"I am, &c.

(Signed) "H. DEARBORN."

In this letter we have the evidence, of the execution of the plan of furnishing funds by deposit, in preference to bills; ten thousand dollars being remitted for contingencies, and the same sum for fortifications.

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"*War Department, Dec.* 12*th*, 1808.

"Sir,

"On account of the troops, it will be proper for you to procure and deliver, on the orders of the commanding officer, such articles, as he may deem necessary for the public service.

"You will, at all times, charge such articles, so delivered, to the proper head of expenditures; and to prevent any mistakes in your accounts, when the orders to you are not so explicit as to enable you to decide, under what head the article should be charged, you will request the commanding officer to give you such information, as the case may require. You will advance no money except for articles actually received, or for services performed. The expenditures should be as economical, as the good of the service will permit. No articles will, I trust, be required of you, but such as the nature and the good of the service actually demand; such as workmen, and materials for fortifications; for quarters, transportation and camp equipage; tents and other articles for barracks or camp, will be sent from this quarter, to your care, as well as cannon and ammunition.

"I am, &c.

(Signed) "H. DEARBORN.

"*Abraham D. Abrahams Esq.*

"*Military Agent, New Orleans.*"

"*War Department, March* 8*th*, 1809.

"Sir,

"Your letter of the 3d instant, inclosing a letter of advice from Mr. Abrahams, with a draft in your favour for 1140 dollars, on account of his salary as military agent, has come to hand. As Mr. Abrahams is going out of service, and has not rendered any accounts since the 16th December last, at which time a large balance appeared against him, it is considered expedient to suspend the payment of the draft, until it can be known,

The secretary of war refuses payment, of Mr. Abrahams bill for $1140.

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whether the amount be due; and as some time will probably elapse, before his accounts are closed, I take the liberty of returning it,

"And am very respectfully, Sir,
"Your obedient servant,
(Signed) "JOHN SMITH, *C. C.*
"*Acting Sec'ry of War.*

"*William Linnard Esq.*
"*Military Agent, Philadelphia.*"

"*War Department, May 4th,* 1809.

"Sir,

"Abraham D. Abrahams esq. military agent for the southern department, being solicitous to relinquish that office, the President of the United States has appointed you to succeed him, and should the senate, at their next session, advise and consent to said appointment, you will be commissioned accordingly.

"Your office as military agent is considered as a substitute for, what has generally been called, a deputy quarter-master general; and your department includes all the military posts, within the the territory of Orleans, and in that part of the Mississippi territory, lying south of the 32d degree of North latitude, including all those on the Mobile and its waters.

"Before you enter on the duties of your agency, you will execute the inclosed bond, with two or more sufficient sureties, and will take and subscribe the oath of office, and the oath prescribed by the act, entitled, 'An act fixing the military peace establishment.' As soon as the bond is duly executed, you will forward it, with the oaths, to this department.

Brigade and regimental quarter-masters, subjected to the direction of the military agent.

"YOU WILL CONSIDER THE ASSISTANT MILITARY AGENTS, AND THE QUARTER-MASTERS, WHETHER BRIGADE OR REGIMENTAL, WITHIN YOUR DEPARTMENT, AS UNDER YOUR DIRECTION. You will furnish them with funds, for which they will be accountable to you. They will correspond with, and make regular re-

turns to you, of all articles received by them, with proper vouchers for all deliveries and expenditures: they are not to make any purchases or expenditures, excepting what shall be ABSOLUTELY NECESSARY, without YOUR PARTICULAR DIRECTION.

"You will receive, herewith, a copy of the rules and articles of war, for your government, and of the regulations of this department, to which, as far as they regard your duties, and are not inconsistent with these instructions, you will, in all respects, conform.

"You will, with promptness, and in the most safe and economical manner, cause all military, medical and hospital stores, and all goods for Indians, which you may receive for transportation, to be forwarded to their respective destinations.

"You will procure and deliver, on the order of the commanding officer of your department, such articles as he may deem necessary for the public service: you will, at all times, charge all articles so delivered, to the proper head of expenditures; and to prevent any mistakes in your accounts, when the orders to you are not so explicit, as to enable you to decide, under what head the article should be charged, you will request the commanding officer, to give you such information, as the case may require. You will advance no money, except as before directed, or for articles actually received, or for services performed. The expenditures should be as economical, as the *good of the service* will permit: no articles, it is presumed, will be required of you, but such as the *nature* and the *good* of the *service actually demand:* should it happen, however, at any time, that demands are made upon you to a large amount, THE PROPRIETY OF COMPLYING WITH WHICH YOU MAY DOUBT, AND WHERE DELAY MAY NOT, IN YOUR JUDGMENT, PROVE INJURIOUS TO THE PUBLIC SERVICE, you are to CONSULT THIS DEPARTMENT.

A compliance with requisitions, at the discretion of the agent.

"If Mr. Coxe, the purveyor of public supplies, shall request you to purchase any articles, which may be procured in your vicinity, at less expense than at Philadel-

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phia, you will please to make such purchase, he furnishing you with money.

"In addition to the duties of military agent, you will procure such materials, and hire such labourers and mechanics, as may be required by the engineer, for erecting, completing, and repairing, such works, as have, or may be ordered for the defence, and protection, of New Orleans and its vicinity.

"Your accounts for expenditures, under this head, you will keep in conformity of the inclosed instructions, from the accountant of this department.

"You will be allowed one clerk for your office, of military agent, at the rate of seven hundred and fifty dollars per annum.

"For your services as agent for fortifications, you will receive a reasonable commission, on the monies necessarily expended, in the performance of its duties.

"You will, from time to time, seasonably transmit to this department, estimates of the monies, that may be required, to meet the expenditures in your agencies; on the receipt of which, the requisite funds will be ordered to your credit, in the OFFICE OF DISCOUNT AND DEPOSIT AT NEW ORLEANS.

"As Mr. Abrahams is anxious to leave New Orleans, you will, should you accept of the military agency for the southern department, please to proceed to that place, without delay; and there take upon yourself the duties of your appointment. He is instructed, by the inclosed letter, to deliver to you all the public papers, documents, and property in his possession; and to pay over to you the balance of public monies, remaining in his hands, which you will please to receive, giving him your duplicate receipts for the same.

"I am respectfully, Sir,

"Your obedient servant,

(Signed) "W. EUSTIS.

"*Andrew M'Culloch Esq.*"

CHAPTER XII.

Reflections on the bad policy of rendering the military agent, independent of a commanding general.—The principles of military institutions considered.—Orders issued by the ministers at a distance, destructive of the responsibility of the general, and tend often to defeat an enterprise.—Example of the Aulic Council.—Instructions to Mr. M'Culloch, the military agent, withheld from General Wilkinson.—Reflections on the inconsistency of subjecting military officers to the directions of a civilian.—The disgusting situation of a commander under such restrictions.—The agent's power defined.—Mr. Abrahams's letter, of 17th July, 1809, complaining that he had neither money, nor power to draw.—Instructions to the military agent, as they tend to cramp the powers of the commander, critically considered.—Declaration of the Secretary of War, that the military agent was subject to the orders of General Wilkinson.—A paragraph added to the agent's instructions, to give a colouring to that declaration.—General Wilkinson acquits the Secretary of War, of participating in the alteration of M'Culloch's instructions.—Secretary of War's letters, of the 27th April, 22d June, and 10th August, 1809.—Secretary of War, upon the accountant's representation, prohibits purchases of fowls, eggs, and other comforts for the sick.—On the 4th April, 1810, Secretary of War declares, that the agent was, at all times, subject to General Wilkinson's orders.—Secretary of War's letter of the 8th Sept. referred to, in explanation of his instructions to the military agent.—Reflections on that letter.—Secretary of War's letters of the 12th and 30th of August.—Military agent peremptorily refuses Ge-

neral Wilkinson's order for 500 dollars, justifying his disobedience by official instructions.—William Simmons's deposition examined.—Captain M'Pherson, Captain Cutler, and Doctor Baer's depositions quoted.—Lieutenant Opie's certificate.—General Wilkinson charges accountant Simmons with perjury.—Simmons's evidence contrasted with that of other witnesses.—Comments on the Secretary of War's letter, of the 16th April, 1810.—Captain Pike's appointment, as acting military agent.—Lieutenant Chrystie appointed assistant.—General Wilkinson compelled by duty to the public, to authorise the military agent to draw.—His motives.—His scruples about giving similar authority, to officers appointed by himself.—Mr. M'Culloch ordered to look to the Bank of Discount and Deposit for funds, though none had been deposited.—General Wilkinson driven to the necessity of raising between two and three thousand dollars, on notes taken in payment for public horses sold.—Borrows money for the accommodation of the sick.—Transport sufficient, at the time of the troops leaving the neighbourhood of New Orleans, and supplies of every kind abundant.—Reflections on the Secretary of War's peremptory orders for the movement to Natchez.—The position of Terre aux Bœufs, its salubrity, and aptitude for defence of New Orleans.—Secretary of War's letter to Doctor Daniel, partially suspending the prohibitory order, as to purchases for the sick.—Three hundred deaths, and some desertions, take place in ascending the Mississippi, from Terre aux Bœufs to Natchez.

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HAVING placed before you, gentlemen, the law, and such orders as I have been able to procure, in relation to the military agency, I shall proceed to shew, that as the law intended, so the orders justified, the agent's independence of military controul; but, before I apply these, and my other proofs, I beg to submit to you, a few general reflections, which may contribute to their illustration.

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The mechanism of military institutions, although extremely complex, is susceptible of the most complete organization, in all its parts. We find in the square root, the most natural, and convenient proportions, for the formation of military bodies; and every movement, of which the animated mass is susceptive, is founded on geometrical principles. To preserve order and uniformity, in the operations of such a machine, unceasing vigilance, extreme patience, exquisite skill, and masterly conduct are requisite; and these are the fruits of observation and experience. The dissolution of a single link in the chain, will infallibly derange the whole system. From the ranks to the chief, from the commander to the lowest grade, the responsibility and mutual dependence of each, is marked with precison; the chief, who is entrusted with the whole, to be responsible for the trust, must necessarily command the whole, and the blind obedience of his subordinates is implied: dissolve this relation, and the bonds of subordination are destroyed: trust and authority, to be obligatory and effectual, must be correspondent, and to accomplish the end, the means must be commensurate.

Responsility and power, to warrant the design, and favour the execution, of military enterprises, should be coeval and co-extensive.

These general propositions are incontrovertible, and will receive the assent of every military man. Recurring, then, to the principles of service, which I have before attempted briefly to illustrate, by reference to the opinion, of the most distinguished statesmen and commanders, permit me, gentlemen, to put the following plain question to your consideration: Can a military commander, be responsible for the events of a campaign, whose judgment is controuled, by a minister, at more than a thousand miles distance, and whose authority may be resisted, by the very person, on whose agency all his movements depend? We are all aware of the effects of the Aulic Council, on the Austrian armies, in the commencement of the French revolution; but, without the aid of exemplification, I think, gentlemen, you will answer me in the negative. Hence, it inevitably results, that whenever a minister, intermeddles with the arrangements of

Orders issued at a distance, from the scene of action, destroy responsibility in a general, and tend often to defeat, the best concerted enterprises.

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a military commander, by undertaking to regulate his conduct in detail, *or by entering into correspondence, with his subordinates, and authorising* THEM *to oppose their discretion to his will,* PRINCIPLE IS INNOVATED, THE RULES OF SERVICE ARE DISLOCATED, THE GENERAL'S NECESSARY AUTHORITY IS IMPAIRED, AND HIS UTILITY DESTROYED: and, then, the minister transfers responsibility, from the commander's shoulders to his own, and makes himself answerable, to the government, for every consequence which may ensue.

I deemed this brief analysis of the essential connexion, between power and responsibility, in military operations, necessary to the explanations, I shall now proceed to offer.

And here, I can safely rest my exculpation, on the instructions of the secretary of war, of the 4th of May, 1809, to the military agent M'Culloch. Let us analyse them.

No communication of Mr. M'Culloch's instructions, made to General Wilkinson.

It is necessary, gentlemen, always to bear in mind, that the secretary of war, did not impart a word of these instructions, or of Mr. M'Culloch's functions, to me; and the General was left to find them out if he could; but, Mr. M'Culloch is sent out to the southern department, not to the army, not to the disposition of the General, but, under specific instructions, to proceed to New Orleans, and there take on himself the duties of his appointment; and, although, without military rank or commission, or reference to the General, he is authorised to consider "THE QUARTER-MASTERS, WHETHER BRIGADE OR REGIMENTAL, UNDER HIS DIRECTION;" but these officers belong to the staff of their distinct corps; their appropriate duties confine their whole attention, to the interior police of their respective regiments or brigades, and to the daily receipt and issue, of quarter-masters stores and provisions to the troops; on the regular discharge of these functions, the accommodation, comfort, health, and discipline of the troops, essentially depend; take these officers away from these duties, place them at the disposal of the

Reflections, on placing regimental quarter-masters, under the direction of a military agent.

military agent, and you disorganise the service at the root.

As well might the adjutants, and brigade inspectors, and aides-de-camp, be taken from their legitimate duties, and placed under the military agent; the brigade quarter-masters belong to brigades, the regimental to regiments; and both are subject to the orders, of their immediate commanding officers; here the secretary of war absolves the General, and the commanding officers of regiments, from responsibility; and makes himself answerable for whatever might happen; since, it is impossible, a military officer should be held responsible, for a trust attached to his commission, when the means of execution are withheld or taken from him.

But, in the same paragraph, the military agent is instructed, "*to furnish the brigade and regimental quarter-masters, with funds, and to hold them accountable;*" do we find, even, the slightest allusion to the commanding officer, in this interesting branch of these instructions? Certainly not! then, the military agent is to exercise his discretion, as to the amount he is to furnish, and the time and occasion of furnishing, and, yet, I am charged with neglect of duty, for not ordering him to do that, which is made his essential duty, by his instructions of the 4th of May; but having exercised his discretion, in this particular, he is to regulate all the purchases, and expenditures of the officers, put under him, according to his judgment, and is forbid making any further advance of money, "*but for articles actually received, or services performed;*" which, certainly, is an important extension of his discretion; he is, indeed, ordered "to procure and deliver such articles, as the commanding officer may deem necessary, for the public service," yet, he is told, "*it is presumed, no articles will be required of him, but such as the nature and good of the service, actually demand;*" and who is to be the judge in such case? The General? No! but the military agent, for, in the next member of the same paragraph, he is directed "*to refuse any demand,* HE *may consider large, until he consults the war department.*

Agent's power to refuse, any

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demand he may consider large, till he consults the war department.

Gentlemen, I appeal to your sense of duty as soldiers, to your feelings as officers, and your understanding as men! would you hazard an application to an inferior, when you knew, it was in his power to reject it, and thus expose yourselves to the derision of your subordinates, and the prostration, of that authority, which is indispensable, even, in the eyes of the common soldiery, to salutary command? After all, the military agent, is left as powerless as the commanding officer; he is sent, twelve hundred miles, to disburse the expenses of an army, without a cent in hand, and by his instructions, after he reaches the point of his destination, "*he is to transmit estimates, to the war office, of the monies which may be required, to meet the expenditures of his department, on the receipt of which, funds are to be ordered, to his credit, in the office of Discount and Deposit, at New Orleans;*" but, in the mean time, how are the daily exigencies to be provided for? or how is it possible to make estimates, to meet the thousand unforeseen contingencies, to which military operations are always subject? the solution requires, a more able head than mine.

Agent to transmit estimates, previously to his obtaining funds.

The following letter, from Mr. Abrahams, the military agent, after he had declined acting, will best explain the situation of the agency, as to funds, and the means of procuring them.

"*Military Agent's Office, New Orleans,*
"17*th July*, 1809.

"Dear Sir,

"I have received your letter by Lieutenant Gibson, and return you my particular thanks for the accommodation; Captain Swan left this for the Atlantic states, on Saturday last, under the impression you would not appoint him, but Captain Humphreys, who has also acted as my assistant agent, is careful and correct, and in whom I have the highest confidence; he will accept the appointment, should you think proper to appoint him. I will make every arrangement in my power, for the benefit of

the service. Be pleased to state, in his letter of appointment, that he is authorised to draw on the department of war, for such sums as the duty may require, as I have not, Sir, one cent in hand, nor is it in my power to draw for the smallest amount, without stating in the letter of advice, the exact amount of each object to which it is to be applied.

"I have the honour to be,
"With high consideration,
"Your obed't. serv't.
(Signed) "A. D. ABRAHAMS.

"*His Excellency General James Wilkinson.*"

Reflections, on the instructions, to the military agents.

Let the whole tenor of these instructions, be analysed, in letter and in spirit, from first to last, by any man of candour and discernment; and passing over their inconsistencies, my judgment deceives me, if the details into which they run, do not in effect supercede the trust of the commanding officer, and confer it upon the military agent. In the recent case of M'Culloch, we perceive an extensive jurisdiction assigned to him. The regimental and brigade quarter-masters, are placed under his orders; he is to advance funds to them at his discretion; he is to receive, and distribute, the public property; he is to check all purchases, and expenditures, according to his discretion; he is to furnish articles, which may be required by the commanding officer, or he may let it alone, until he consults the war department; at the same time, strange inconsistency! he is to furnish materials, labourers, and mechanics, to the requisition of the engineer, without limitation; he a Frenchman, too, from St. Domingo, and, finally, he is to take post in New Orleans.

I think this is a fair synopsis of these instructions, and it will be admitted, they embrace the most important attributes of military command; yet, gentlemen, you will not perceive a single word, in reference to the information, authority, experience, or judgment of the officer,

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who had been selected for the command, by the executive of our country.

Notwithstanding these facts, it has been deemed necessary, in support of the charges brought against me, to assert, that "THE MILITARY AGENT WAS ALWAYS SUBJECT TO MY ORDERS," and that William Simmons, the accountant of the war department, should pledge his oath in verification of this assertion, is matter of no concern to me, nor can it be a matter of wonder to you, gentlemen, who have witnessed with what good will, he can swear, to suit his own malevolence; but, I confess, it has given me unfeigned pain, to discover in the proceedings of a committee of Congress, in 1810, of which Thomas Newton was chairman, on the subject of the mortality among the troops, under my command, a letter from the honourable the secretary of war, dated the 4th of April, 1810; in which, to satisfy certain complaints, made of a want of hospital stores and medicines, for the troops, on the Mississippi; he enumerates the sums expended there, for the use of the sick, under my orders in 1809; and then observes, "when to this it is added, THAT THE MILITARY AGENT, WAS AT ALL TIMES SUBJECT TO THE ORDER OF THE COMMANDING OFFICER, (meaning myself) AND BOUND TO COMPLY WITH HIS REQUISITIONS, FOR ALL ARTICLES NECESSARY, IN HIS OPINION, FOR THE HEALTH, AND ACCOMMODATION, OF THE TROOPS, THE CAUSES OF ANY ALLEGED DEFICIENCIES, ARE INEXPLICABLE TO THIS DEPARTMENT." And I must acknowledge, this pain was sensibly increased, when, I perceived, the following paragraph, in the copy of the secretary's instructions, to the military agent, M'Culloch, furnished by him to the same committee, and published by order of the House of Representatives.

Secretary of war declares that the military agent was subject, to the orders of General Wilkinson.

Additional instructions to Mr. M'Culloch.

"Should you accept of the military agency for the southern department, you will please to proceed to New Orleans, without delay, and there take upon yourself the duties of your appointment. *Major Pike, the acting mili-*

tary agent, is authorised, by the inclosed letter, to deliver you, &c."

The additional instruction devised, for the purpose of imposing upon the committee, the idea that the military agent was always subject to my orders.

Knowing that this paragraph, did not belong to the original instructions of M'Culloch, because I had nominated Major Pike, on the 13th of September, four months after M'Culloch's appointment, and being unable to account for it in any other way, I naturally and necessarily coupled it with the extract of the letter, of the 4th of April, just quoted; with which it corresponded so exactly, that I could but form the conclusion, it had been devised, by some one, to impose a belief on the committee, that no suspension of the functions of the military agency, had occurred during my command; for if the agent had been always subject to my command, and no suspension of his functions had taken place, then, indeed, I stood convicted of a neglect of duty.

These statements were committed, under circumstances and in a manner, which put their refutation beyond my reach; they had been submitted to a committee of Congress, and had gone forth to the world, under the authority of the House of Representatives; and if they had effected my ruin, which it is well known, was zealously sought, at that time, the detection, now, would have availed me little. On a careful examination, however, of the whole report of the committee, and particularly of the secretary's letter to them, of the 16th of April, it is due to candour and to justice, that I should acquit him of any participation, in this distortion of M'Culloch's instructions; but I owe it, also, to my own honour, to deny the fairness of his statement, of the 4th of April, made to the same committee, and I thank Almighty God, it is in my power to sustain this exception;—and here let me note, that the interpolation in the instructions, could not have arisen from copying those of Captain Swan, instead of those to M'Culloch, because it will be found, on comparion, that the instructions of Swan, contain several paragraphs, not to be found in the copy sent to the committee: the fraud, therefore, must have been designed,

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and to ascertain the fact, you need only compare the one with the other.

The secretary of war transmits a memorandum of articles, purchased under the orders of Colonel Parker, deemed extravagant.

It has been seen, in the secretary's letter to me, of the 27th of April, that he warns me of a disposition, to scrutinise "every item of expenditure," and in his letter, of the 22d of June, at the instance of Mr. Simmons, he sends me a memorandum, of certain *necessary expenses* incurred, in New Orleans, under the orders of Colonel Parker, before my arrival there, which are deemed too extravagant, and I am called on to interpose my authority, to prevent the continuance or repetition of them.

My correspondence will prove, that by my early removal of the troops, from New Orleans, I anticipated these injunctions of the secretary, and curtailed the expenses of the troops, several thousand dollars per month, in the articles of house rent and fuel only; but I could not, so far, respect the economical suggestions of the accountant, as to withhold from the expiring soldier, all the comfort in my power to bestow; I, therefore, continued on the credit of my own authority, and the confidence of a few friends, in New Orleans, (for the office of the military agency was shut up, from the middle of July to the middle of September,) to supply the defects of the war department, by the purchase of medicines, stores, comforts, and necessaries, for the use of the sick, on the requisition of the surgeons. And what was the effect?—

In consequence of Simmons's representation, the secretary of war prohibits the agent from purchasing eggs, fowls, &c. for the sick.

Mr. Simmons, ever at war with our peaceful army, and regardless of the sick or the healthy, presents another memorandum to the secretary of war, of the purchase of eggs, fowls, foot-mats, porter, and wines, provided for the sick of the army, which he deemed objectionable; in consequence of which, the secretary, on the 10th of August, 1809, without my knowledge or privity, addressed letters to the military agent, Andrew M'Culloch, at New Orleans, and to the senior surgeon Doctor Oliver H. Spencer, acting under my orders, in which he peremptorily forbids the agent, to purchase any of the above articles, which might be required for the sick, and condemns the application, which had been previously made of them,

to the sick, by the surgeon. The letters are conceived in the following laconic terms. CHAP. XII.

"*War Department, August 10th*, 1809.

"Sir,

"YOU WILL NOT CONSIDER YOURSELF AUTHORISED, IN COMPLYING WITH ANY REQUISITIONS, FOR FOWLS, EGGS, FOOT-MATS, PORTER, AND FOR WINES, WHICH COST AT THE RATE OF FOUR AND FIVE DOLLARS PER GALLON.

"I am respectfully, Sir,

"Your obedient servant,

(Signed) "WM. EUSTIS,

"*Secretary of War.*

"*Andrew M'Culloch Esq.*

"*Military Agent.*"

"*War Department, August 10th*, 1809.

"Sir,

"THE INCLOSED LIST OF ARTICLES, PURCHASED BY THE MILITARY AGENT, AT NEW ORLEANS, FOR THE HOSPITAL, ON YOUR REQUISITION, IS FORWARDED FOR THE PURPOSE OF EXHIBITING TO YOU, THE EXTRAVAGANT CHARGES, MADE FOR THEM, AGAINST THE PUBLIC; FOWLS, EGGS, FOOT-MATS, PORTER, AND WINES, AT THE RATE OF FOUR AND FIVE DOLLARS PER GALLON, OUGHT NOT TO HAVE BEEN REQUIRED, AND IN FUTURE WILL BE CONSIDERED, INADMISSIBLE CHARGES AGAINST THE DEPARTMENT.

"I am respectfully, Sir,

"Your obedient servant,

(Signed) "W. EUSTIS,

"*Secretary of War.*

"*Doctor Oliver H. Spencer, Surgeon.*"

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Item of articles, with their prices, which appeared objectionable, in the account of the Military Agent at New Orleans, transmitted by the secretary of war.

May.—	16	dozen fowls, $7 50 per dozen	$120	75
	44	do. eggs, 31¼ cts. per do. -	13	75
June.—	2	do. fowls - -	15	
	4	foot mats, $3 50 each - -	14	
	2	dozen Port wine, $12 per dozen	24	
	3	do. porter, $4 50 per do. -	13	50
	5	gallons Madeira wine, $5 per gallon	25	
	11	dozen fowls, $7 50 per dozen	82	10
	66	do. eggs, 31¼ cts. per do. -	20	62½
July.—	9	do. porter, $5 per do. -	45	
	14	do. fowls, $7 per do. - -	98	
	60	do. eggs, $7½ per do. -	22	50

The secretary of war forbids the military agent to obey General Wilkinson.

Thus the secretary of war, at the suggestion of the accountant, EXPLICITLY FORBIDS THE MILITARY AGENT, TO OBEY MY REQUISITIONS, FOR COMFORTS OR NECESSARIES FOR THE SICK; and to my immediate subordinate, Doctor Spencer, he censures anterior purchases, which had been made under my orders, and, yet, on the 4th of April, 1810, eight months only after this interdiction, the committee of Congress are informed, by this self same minister, that "THE MILITARY AGENT, WAS AT ALL TIMES SUBJECT TO MY ORDERS, AND BOUND TO COMPLY WITH MY REQUISITIONS, FOR ALL ARTICLES NECESSARY, IN MY OPINION, FOR THE HEALTH AND ACCOMMODATION OF THE TROOPS."

I forbear to pursue this investigation, because I respect the dignity of office, and will not offend, where it may be avoided, compatibly with my own honour; but, where *that* is invaded, the justice of this court, and of the *executive magistrate of this nation*, will, I trust, warrant my defence. I shall, therefore, gentlemen, barely invoke your attention, to those letters of the secretary, of the 10th of August, 1809, to the military agent, and the 4th

of April, 1810, to the committee of Congress; and I am sure you will not deny the fairness of my statement.

The secretary of war's interpretation, of instructions to the military agent, derived from his own letter.

But, it may be urged, that this interdiction of the secretary, was partial, and limited to a few specific articles, and that in all other relations to the military agent, my authority over him remained unimpaired. It would be in vain, to refer such cavillers, to the plain letter of Mr. M'Culloch's instructions: nothing short of the secretary's own interpretation, of his own act, and demonstration drawn from his own pen, OF HIS OWN SENSE of those instructions, can strike my accusers dumb; and therefore they shall have it, in the following letter.

"*War Department, Sept. 8th*, 1809.

"Sir,

"YOU WILL PLEASE TO GIVE EVERY NECESSARY AID, WHICH YOUR OFFICE CAN AFFORD, TO THE MOVEMENT OF THE TROOPS UP THE MISSISSIPPI, AND TO THEIR ENCAMPMENT AND COMFORT, AFTER THEY ARRIVE AT THEIR STATIONS; AND WILL ACCORDINGLY INSTRUCT THE QUARTER MASTERS, OR ASSISTANT MILITARY AGENTS, TO WHOM THE IMMEDIATE CARE OF THE BUSINESS MAY BE ASSIGNED.

(Signed) "JOHN SMITH,

"*For the Secretary of War.*

"*The Military Agent, New Orleans.*"

Reflections on the order, contained in the preceding letter.

Now, it must be acknowledged, that *this order*, to the military agent, was *necessary*, or that it was *not necessary*; and it will be conceded, that if "*the military agent was, at all times, subject to the orders of the commanding officer*," this interposition of the secretarial authority, at so unseasonable a period, could not have been necessary. From these premises, the deduction is infallible, that the necessity for this intervention of the secretary, of the 8th of September, did exist, and that he was sensible of it; not only to revoke the prohibition of the 10th of August,

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Secretary of war's letters to General Wilkinson, of the 12th and 30th of August.

but to qualify the tenor of those instructions, which rendered the military agent independent of the General, and responsible to the secretary of war alone. This interpretation is, further, supported by his letters to me, of the 12th and the 30th of August; in the former he observes,—"IN THE HOSPITAL DEPARTMENT, CHARGES HAVE BEEN MADE, EQUALLY UNPRECEDENTED IN ANY SERVICE, WITH WHICH I HAVE BEEN ACQUAINTED, AND EXTRAVAGANT;" and in the last, he informs me, "THE MILITARY AGENT HAS INSTRUCTIONS, AND WILL DEFRAY ALL NECESSARY EXPENSES." If the agent had been under my orders, this was unnecessary; but, even, in this order, of the 8th of September, the military agent is addressed as the chief, AND WITHOUT REFERENCE TO THE COMMANDING OFFICER, he is authorised "*to exercise his discretion, in respect to the movement of the troops up the river, their encampment and* COMFORT; *and is accordingly directed to aid the movement, and instruct the quarter-masters and assistant military agents, to whom the immediate care of the business may be assigned.*"

It seems extraordinary, that a reform so salutary, and of such extent and importance, should have been transmitted to the military agent, and not to the officer in command; yet, it is a fact, that I received no intimation of it, until November, after the troops had reached the ground of their cantonment, and then from the brigade quarter-master, Lieutenant Jessup, who had been advised of it from New Orleans, by the military agent *pro tem.*

To oppose these stubborn facts, the accountant Simmons, has been brought before the court, again, again, and again, to support, BY HIS OATH, the unfounded assertion, that "THE MILITARY AGENT WAS ALWAYS SUBJECT TO MY ORDERS;" and to give countenance to his oaths, after two month's attendance on this court, he, towards the close of this enquiry, brings forward another order, of the secretary of war, to Abraham D. Abrahams, of November 6th, 1806, which was issued on the spur of the occasion, to meet the exigencies, of the expected conflict, with the Spaniards on the Sabine, and the sinister pro-

ject of Aaron Burr; and he endeavours to prop this order, by the production of a volume of old settlements, with the military agent, to exhibit the extraordinary expenditures, incurred under my orders at New Orleans, during the awful period of Burr's conspiracy. But, gentlemen, can the orders of 1806, and the expenditures of 1807, affect the orders of 1808 and 1809? or does a military officer, regulate his conduct by the anterior or the posterior order? Such shifts and subterfuges, will not avail against the broad truths, which are demonstrated by documents, drawn from the most correct sources of authority, the secretary of war, and the military agent themselves. Colonel Cushing's letter will shew, what was the practice in 1808; and the orders and instructions of the secretaries of war, to the military agents at New Orleans, will best explain their duties and obligations in 1809. If we test the conduct of the military agent, after the troops reached Terre aux Bœufs, by the testimony of Captain Gibson, it will be found, THAT HE PEREMPTORILY REJECTED MY ORDER, FOR FIVE HUNDRED DOLLARS, ALLEGING HIS INSTRUCTIONS, IN JUSTIFICATION OF HIS DISOBEDIENCE. It is demonstrated, by this fact, that no assistant military agent, or quartermaster, could receive a cent in advance, under my authority, during the administration of Mr. Abrahams; and by Mr. M'Culloch's instructions, it appears *that he was ordered, to make advances on his own discretion, and to direct all purchases and expenditures, without consulting me.*

Military agent peremptorily rejects General Wilkinson's order for $500.

Mr. Abrahams, the military agent, himself, bears testimony to the incongruity of his instructions, as will be seen in the following extract of his letter to me, bearing date 22d of May, 1809.

"*It appears to me, impracticable to comply with the instructions, addressed to the military agent, under date of the 15th March,* 1809. *It is not, Sir, in my power, to anticipate the various calls, and the amount of such drafts as may be drawn on me, at a very short notice, by the assistant*

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agents in my district; also other expenditures, as attendance on courts martial, transportation, &c. &c."

I inclosed the preceding to the secretary of war, in one of my letters, of the 29th of May, 1809, read in evidence, in which I observe, "the inclosed, from the military agent, will shew the embarrassment produced by his orders, it appears impossible for a man to say, specifically, for what he draws money, before he has made his purchases, it looks like putting the cart before the horse; whatever carries with it the appearance of distrust, tends rather to produce, than prevent, abuses, and no *regulations however strict, can remedy the defect of integrity; for, while there be two rogues in the world, if the purchasing agent be one, he will find out the other.*"

William Simmons's deposition examined.

In this place I, must, beg leave to examine, particularly, that portion of William Simmons's deposition, which applies to the specification under consideration, and to render self justice, I must, avail myself of the privilege, secured to a prisoner, put on trial for his life, to animadvert, freely, on the character and deportment of this witness.

Mr. Simmons was found, here, in waiting for the court, before it was formed; and has been a faithful attendant; he appeared *in the character of a witness,* but it is well known, to this whole village, what were his avocations; HE DUBBED HIMSELF, PAYMASTER TO THE COURT, AND THE WITNESSES; *boasted of his money and his power to do me harm, and devoted every leisure moment, from the gambling table, to the villification of my character.* To illustrate the last point, gentlemen, I will beg leave to quote the evidence of Captains M'Pherson, and Cutler, and Doctor Jacob Baer, with the certificate of Lieutenant Le Roy Opie.

Variety of character, assumed by Simmons, during the sitting of the court.

Extract from Captain M'Pherson's deposition.*

Captain M'Pherson's deposition quoted.

"1*st Question.*—Have you heard Mr. Simmons, of the war department, speak injuriously, and with hostility, of General Wilkinson, and, if so, will you be pleased to state time, place and particulars?

"*Answer.*—I have. On the night of the 6th of last month, Mr. Simmons joined me on the pavement before Mrs. Kimboll's Hotel, and made some remarks relative to the court martial, which I do not recollect, it being only introductory to observations which ensued.

"He said that he had received a letter from General Dayton, inviting him to participate in the scheme of the Ohio Canal, that he mentioned or shewed it (which, I do not recollect) to General Wilkinson, who told him that he, General Wilkinson, and Colonel Burr, were concerned in a more extensive project.

"Mr. Simmons continued, that some friend or friends (which, I do not recollect) of Mr. Thomas, expressed surprise that he should act as one of the General's counsel, and that Mr. Thomas replied, 'I do not engage to vindicate General Wilkinson's conduct, but to proceed agreeably to the testimony adduced, before the court martial,' or words to this effect, Mr. Simmons declared, that such engagement would be extremely injurious to Mr. Thomas.

"He said that General Wilkinson had been opposed to Fredericktown, as the seat of trial, alleged that he had many enemies in that place, and that he would even consider his life in danger there; and mentioned particularly one person, who edited a violent federal paper, and had abused him; that after this, the General contended for Fredericktown, as strenuously, as he had before objected to it.

* The gallant, and highly honourable Lieutenant-colonel M'Pherson, now consul at Madeira.

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"He declared, that he could substantiate the General's guilt, on one or two points of accusation, and mentioned the money transaction and the horses.

"I asked him at what place he had received General Dayton's letter, and he answered at Washington City.

"At another time, I heard Mr. Simmons express himself respecting Colonel Freeman's testimony, as if he thought the Colonel had not, amply declared his information on the charges.

"Again, he said, that the Judge Advocate should have informed the court, of the preliminaries of the trial, and being asked what they were, he replied to this effect: that they deprived General Wilkinson of any advantage, he might be disposed to take of the act of limitation; I observed, that no such intimation from the Judge Advocate, could have been necessary, as it was perfectly understood, that the General had been extremely alarmed, lest the court should have misinterpreted the proper meaning of the statute, instead of having anticipated a plea from it.

"*2d Question.*—In those conversations of Mr. Simmons, did you think him, anxious to prejudice the minds of his hearers, and what reason had you to think so?

"*Answer.*—I did, and was absolutely convinced of it, when Doctor Baer told me that, Mr. Simmons had spoken disrespectfully of the General to him, a stranger to Mr. Simmons, and entirely unconcerned in the business of the court.

"*3d Question.*—Did you hear Mr. Simmons express those opinions, before others and who were they?

"*Answer.*—To the best of my recollection, on the evening of the 6th of September, Colonel Burbeck was within hearing; when speaking on the subject of the preliminaries of the court, I think there were present, Captains Wilson and Cutler, Lieutenant Knight, and one or two others, and when addressing his conversation to Colonel Freeman, respecting his testimony, Lieutenant Opie and Mr. Murdock.

"*4th Question.*—What did you understand, by that part of his assertion, that Mr. Thomas did not engage to vindicate the General's conduct?

"*Answer.*—I thought he meant, that Mr. Thomas did not undertake the General's vindication, being uncertain of his innocence, but that he entered on the trial as a lawyer, without a conviction of the General's integrity."

Extract from Captain Cutler's deposition.

Captain Cutler's deposition quoted.

"*1st Question.*—Did you hear William Simmons, accountant of the war department, speak of any observations made to him by General Wilkinson, concerning any plan of Aaron Burr, and of his (Willliam Simmons) reply to General Wilkinson upon that subject, and if you did hear him speak upon that subject, please to state what he said, and when, and where?

"*Answer.*—On or about the middle of September last, at Mrs. Kimboll's door, I heard Mr. Simmons make the following observations, 'all that I know of the Burr business, I had from the General himself; he told me, *that he and Burr had a great and important plan on foot, in which if I would participate, my fortune would be made, we were at that time as intimate as brothers.* I told him, I SHOULD NOT ENGAGE IN A SCHEME HOSTILE TO THE GOVERNMENT."

Deposition of Doctor Jacob Baer.

Deposition of Doctor Baer, quoted.

"*Question.*—Have you heard William Simmons, accountant of the war department, speak injuriously of General Wilkinson, since his (Simmons) attendance as a witness on the general court martial, be pleased to state time, place, and language, as well as you can recollect?

"*Answer.*—It was in the early part of the last month, about the commencement of the court, I met with him on the porch of the house where the court sat; he began to speak of the business before the court, he said General Wilkinson had first applied to the President to order the

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court to this place, and while the President was deliberating upon this request, the General requested it to be ordered to meet in Alexandria, alleging to the President, as a reason against holding the court here, the prejudices in the minds of the people here against him, arising from the trial of Colonel Butler, and that General Wilkinson had stated another circumstance, that there was a young lawyer here, alluding to one of his present counsel, J. H. Thomas, who edited an infamous federal paper, The Herald, in which was contained a number of abuses against the General. He asked me as we walked along the street, where was the Herald office, saying he wished to inquire for the paper, containing Colonel Butler's defence, that many people wished to see it; he likewise mentioned, that the General had said, that he should not only have to encounter the prejudices of the people here, but that he might say, his life would be in danger.

"*Question.*—Have you heard the said Simmons speak of the general court martial, or their proceedings, and threaten General Wilkinson with what he would swear?

"*Answer.*—Sometime afterwards (date not recollected) I met him at Mrs. Kimboll's door; he asked me if I attended the general court martial, to tell him what was passing there, as he could not attend, being excluded as a witness; I informed him what evidence had been given in that day; he asked me my opinion; I gave my opinion, upon which he observed, I had better wait till HE WAS EXAMINED, AND HE SHOULD DISCLOSE SOMETHING, THAT WOULD PROVE THE GENERAL TO BE ——— here he was stopped, by the circumstance of General Wilkinson stepping out of the door, and the conversation ended.

"*Question.*—Have you heard the said Simmons speak of General Wilkinson's counsel, and of his inability to pay them, and what did he say?

"*Answer.*—He asked me at another time, what I supposed General Wilkinson's counsel would get: I told him that I did not suppose, that money was the object of the gentlemen; upon which he said they would not get a cent, that the General had taken the benefit of the insol-

vent law, to an enormous amount, and among the number, who had lost by him, were the United States. I think, but am not positive, he spoke of General Wilkinson's having defrauded the public to a considerable amount.

"*Question.*—On all and every of these occasions, did not the said Simmons appear to be moved by hatred, and malice, and to manifest a desire to excite prejudices, against the said Wilkinson, and to deprive him of a fair trial?

"*Answer.*—These were the impressions upon my mind, because I heard Mr. Simmons take frequent occasions, to say many things of the General, not now particularly recollected, tending to excite prejudices against General Wilkinson. He spoke of the General's counsel, and said the people (speaking of the citizens of Washington) were astonished, Taney and Thomas should undertake his defence, after having said so many severe things of General Wilkinson; he at the same time remarked, THAT AS HE HAD NOT MUCH TO DO IN HIS OFFICE, HE HAD BROUGHT MONEY WITH HIM, TO DEFRAY THE EXPENSES OF THE COURT, and should remain, as he was at so short a distance, as to communicate easily with his office. By way of explaining, why he mentioned the circumstance, of his having brought money to defray the expenses of the court, it may be proper to state, that he enquired if my father, who had been in the habit of supplying the recruiting parties stationed here, was in town; that he meant to get him to furnish wood for the officers."

Certificate of Lieutenant Le Roy Opie.

Lieutenant Opie's certificate.

"A statement of a conversation which took place on the 7th instant, between Mr. Simmons and myself.

"We were walking on the pavement before Mrs. Kimboll's door: I observed to Mr. Simmons, that I had seen stated in a newspaper, that Doctor Mitchill was to be secretary of war: Mr. Simmons observed, *that he had heard nothing of it; that Doctor Eustis did not intend to re-*

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sign, unless Wilkinson was to resume the command of the army: I observed, suppose the court should acquit the General; Mr. Simmons replied, *the court could not, or if they did, the President would not confirm the sentence, and that General Wilkinson would* NEVER COMMAND THE ARMY AGAIN.

(Signed) "LE ROY OPIE.

"*Lieutenant 5th Inf.*

"*Fredericktown, October 9th,* 1811."

This witness, Simmons, has most pertinaciously sworn, "THE MILITARY AGENTS ARE PLACED UNDER THE ORDERS OF THE COMMANDING GENERAL, AND ARE BOUND TO COMPLY WITH HIS REQUISITIONS, FOR MONEY AND OTHER ARTICLES, FOR WHICH REQUISITIONS THE GENERAL IS RESPONSIBLE;" and he adds, that "THE MILITARY AGENT, AT NEW ORLEANS, IN THE SPRING AND SUMMER OF 1809, HAD ABUNDANCE OF FUNDS, AND THAT HE WAS AUTHORISED TO DRAW BILLS ON THE WAR DEPARTMENT, WHICH WERE ALWAYS ACCEPTED."*

Now, Mr. President and Gentlemen of the court, I do assert, fearless of contradiction, that these solemn declarations of the accountant, *are void of truth,* and IF PERJURY BE THE CRIME OF TAKING A FALSE OATH, IN THE COURSE OF A JUDICIAL PROCEEDING, ON A POINT MATERIAL TO THE ISSUE, I DO NOT PERCEIVE HOW WILLIAM SIMMONS IS TO ESCAPE THAT IMPUTATION; because the question at issue is this: Have I neglected my duty or not? If I have neglected my duty, I am punishable; and if Mr. Simmons has sworn truly, my guilt is proved. But, gentlemen, the fact is otherwise, as I shall prove to your satisfaction;—1st, by the letters of the secretary of war, to A. D. Abrahams, of the 12th of May 26th of April,† 8th of July,‡ and two of the 12th of Dec.§ 1808;—2d, by the letter of Colonel Cushing, dated 18th Jan. 1809, en-

* See his testimony before this court.

† See page 433. ‡ Page 434. § Page 436.

closing his correspondence with Abrahams;*—3dly, by the testimony† of Captain Gibson;—4thly, by the letter‡ of John Smith, ACTING SECRETARY of war, of the 8th of March, 1809, to William Linnard;—and 5thly, by A. D. Abrahams's letters to me, of the 25th of April, and 17th

* *Extract of a letter from Colonel Cushing to General Wilkinson, dated Columbian Springs, January 18th, 1809.*

"In my last, I informed you that I had applied to the military agent, for the transportation of a company to Fort Stoddert. I now enclose copies of that application and the military agent's reply. By this you will perceive, that the commanding officer of this department, can make no movement of troops, which is to incur an expense of more than fifty dollars, until it is specially authorised by the department of war, unless Mr. A. D. Abrahams should consider such movement an extraordinary instance, in which case, he may exceed that sum. There is no discretion in the commanding officer. He has no funds, and he cannot command them; and his case will be truly critical, if, under such circumstances, he is held responsible, for the safety of any post, or place within his district, whose present force is unequal to its defence.

"We have now at Fort Adams, a sufficient number of boats, to transport our present force from that post, to New Orleans; but they are very old and rotten, and though kept afloat, and in the best order possible, it is my decided opinion, and I believe that of every intelligent officer, on the ground, that they are entirely unfit for service, and ought, with the exception of three very small ones, to be condemned. Their timbers and planks are so rotten, that they can never be repaired."

Colonel Cushing to the Military Agent at New Orleans, dated, Cantonment, Columbian Springs, Jan. 5th, 1809.

"Sir,

"I am ordered by the secretary of war to send a company from this place to Fort Stoddart, and the public service requires that it should be done without delay; but I have not the means of transportation at command, and the assistant military agent cannot furnish it, consistent with your instructions. I have therefore to request you, to authorise the assistant to provide the transport, and draw on you for the amount, or, if it cannot be done, to let me know it by return mail.

"It is proper for me to advise you, that in the present situation of affairs, it may be necessary for me to incur expenses, in removing troops from one position to another, without sufficient time to apply to the government or to you, for the means of transportation, and if I

† See page 455.

‡ See page 457.

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of July, 1809, before submitted to this court. These testimonials prove, in respect to A. D. Abrahams, who discharged the duty of military agent, at New Orleans, during the spring, and until the middle of the summer, of 1809, that by the letter from the secretary of war, of the 12th of May, 1808, he was forbid to draw bills on the war department, and in that of the 26th of April, he is informed, "*that no considerable sum ought to be expended, which is not actually authorised by this department;*" and again "FIFTY DOLLARS *is the highest sum to be allowed, in any case, not previously authorised, except in extraordinary cases;* and of these extraordinary cases, the agent is to judge, as is manifest from his letter of the 8th of January, 1809, to Colonel Cushing, in which he also says, "*he is forbid to draw, and that his funds were to be received through the Branch bank.*" I have not been able to procure from the war office, a copy of the letter to Abrahams of the 12th of May, prohibiting his drafts on the war department; but the letter of the secretary of

am restricted to your instructions, to the agent here, the public service must inevitably suffer.

"I am, &c.

(Signed) "T. H. CUSHING.

"*A. D. Abrahams Esq. Military Agent, New Orleans.*"

"*Military Agent's Office, New Orleans,*
"*January 8th,* 1809.

"Sir,

"I have received yours, of the 5th instant, and have enclosed you a copy of a letter, received from the honourable secretary of war, which prohibits my compliance. And I have not the means in my possession, should the expenditure be to any considerable amount, as he has also directed me not to draw; but, when funds are required, to notify him, and I should receive it through the branch bank at this place. The large expenditures, on account of fortifications at present, will, I am apprehensive, require considerable more money than I have in hand, prior to my receipt of a further supply, of which I have notified the secretary of war. I shall immediately transmit a copy of your letter to him, and request more extensive instructions, as the arrangements of the army, in my opinion, will shortly require it.

"I am, &c.

(Signed) "A. D. ABRAHAMS.

"*Colonel Thomas H. Cushing, Comdg. M. Depot.*"

war, of the 8th of July, explains the causes of that arrangement, and leaves no doubt of the fact; and in his letter, of the 12th of December, the military agent is forbid to "advance money, *but for articles actually received*, or for *services performed*," and the *articles* to be *required*, by the commanding officer, *are specifically enumerated*, viz. "*such as workmen and materials for fortifications, for quarters, transportation, and camp equipage; other articles for barracks or camp, were to be sent from the Atlantic quarter.*" Under these restrictions, he (the military agent) is "*to procure or deliver to the orders of the commanding officer, such articles as he* (the commanding officer) *may deem necessary, for the public service.*" In a letter of the same date, from the secretary to the military agent, we have proof, that cash was remitted for the use of the army, by the secretary, who refers to $20,000, which he had sent on, "*one moiety of it for fortifications, the other for the contigencies of the army;*" but the agent is forbid, in the letter of this date, first quoted, to make any advance of money. The letter of Colonel Cushing is explicit, as to his incapacity to controul the agent; the testimony of Captain Gibson, proves *that the agent, refused my note for* $500, *in a case of the most extraordinary nature,* PLEADING HIS ORDERS, OF THE 12TH OF DECEMBER, FOR JUSTIFICATION; the letter of the acting secretary of war, Mr. Smith, of the 8th of March, 1809, to William Linnard esquire, shews that a bill of Abrahams's was not accepted,; and Abrahams's letters to me, of the 20th of April, and the 17th of July, prove, he had neither funds in hand, nor power to draw on the war department. From these facts it results, THAT MR. SIMMONS HAS SWORN FALSELY, IN EVERY PARTICULAR OF HIS STATEMENT: viz. *inasmuch as, the agents were not placed under the orders, of the commanding general; as they were not bound to comply with his requisitions; as the military agent at New Orleans, in the spring and summer of* 1809, *had no funds in hand; as he was not authorised to draw bills on the war department; and as his bills, when he did draw, were not* "ALWAYS ACCEPTED." If we re-

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fer to the posterior instructions, of the present secretary of war, to Mr. M'Culloch, military agent, we shall find by them, that the agent was to look for funds, to the office of Discount and Deposit in New Orleans, and, of course, he was not to draw bills; and should he receive the orders of the commanding officer, and not like them, he was to exercise his discretion, until he could "consult the war department;" but he was authorised, to furnish monies to the assistant military agents, and the brigade and regimental quarter-masters, "at his discretion;" no purchases or expenditures were to be made, without his particular direction, "and in no other case, was he to advance money, but for articles actually received, or services performed." How, then, could he be bound to comply, with the requisitions of the General, or where were his funds? for none were lodged in the bank of Discount and Deposit, as Mr. M'Culloch explicitly informed me, on the 26th of July, when he visited my camp, as is manifest from my letter to the secretary of war, of the 31st of that month, from which I make the following quotation. "The military agent, Mr. M'Culloch, called here for a few hours, on the 26th instant; but I had little conversation with him: he complains that he has no money, and that Abrahams left none. I know nothing of this agent, his orders or instructions, for, I was not advised even of his appointment; but I understand he is opening an office, to remain at New Orleans, while 2,600 men will be in the Mississippi territory, and if we have occasion for fifty dollars expense, we must send to him three hundred miles."

Should any person doubt, after this exposition, that "*the military agent was always bound to comply with my requisitions,*" I can only again refer him, to the instructions* of the secretary of war to Mr. M'Culloch, military agent, dated the 4th of May, and the 10th of August, 1809; to the secretary of war's orders† to A. D. Abrahams, military agent, of April 26th, 1808, and the

* See page 438. † Page 433.

letter* of the latter to me, July 17th, 1809; for if these proofs do not produce conviction, I must abandon the question.

From these premises it follows, irresistibly, that William Simmons has sworn falsely, in this instance, and with malicious intent; which, connected with his bitter hostility to me, and other flagrant detections before this court, will, I trust, suffice to discredit him as a witness, *although I cannot estimate his tedious, evasive, prevaricating, false testimony, at the value of the paper on which it was recorded.*

I proceed, gentlemen, to take notice of the paragraph of a letter, read in evidence, on the part of the prosecution, from the secretary of war to the committee of Congress, which investigated the causes of the mortality among the troops, under my command, on the Mississippi, bearing date April the 16th, 1810, in the following language:

General Wilkinson remarks, on the secretary of war's letter of 16th August, by way of correcting any misapprehension, as to the time of Major Pike's appointment.

"On the resignation of Mr. Abrahams, Mr. Andrew M'Culloch was appointed to succeed him, under instructions, a copy of which (No. 2.) is herewith inclosed, bearing date May 4th, 1809. Mr. M'Culloch died a few days after his arrival; on which Major Zebulon M. Pike, of the 6th regiment, was appointed by General Wilkinson, as successor to Mr. M'Culloch."

It is to correct a delusion, which may have arisen, out of the accidental phraseology of this paragraph, that I call your attention to it. Does it not strike you, gentlemen, at first blush, that Mr. Abrahams was relieved by Mr. M'Culloch, and that Major Pike stept into Mr. M'Culloch's shoes, immediately after his demise? Such, I confess, is the impression it would make on my mind. But what was the fact? Mr. Abrahams notified his resignation, to the war department, on the 2d of January, 1809, and left New Orleans the middle of July, 1809;—

* See page 446.

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Mr. M'Culloch was appointed to succeed him, the 4th of May, arrived at New Orleans the 23d of July, after Abrahams's departure, and died, on the 6th of August, before he had established his office;—then, Robert Andrews, Benjamin Morgan, and F. Wells, esquires, were successively nominated to the temporary agency, but the two first declined acceptance, and the last died with my propositions before him; and, finally, I was compelled to nominate Major Pike, on the 13th of September, 1809. The extract from Abrahams's letter, of the 11th of July, 1809, and the copy of Major Pike's instructions, which follow, together with my letters to the secretary of war, of the 24th and the 30th of July, 10th August, and 3d and 18th September, which have been read in evidence, will furnish undeniable proofs of the correctness of this statement.

"*New Orleans, July 11th*, 1809.

Mr. Abrahams announces his intention to give up the agency.

"I have the honour of informing you, that the vessel in which I intend sailing to the United States, has arrived, and will leave this in a few days. Having notified the department of war, on the 2d of January last, of my desire to leave this country, and having lately received a letter from the accountant, informing me, in a postscript, that there is a military agent appointed for this territory, I consider myself justifiable in making the present arrangements, as so favourable an opportunity may not occur soon after the agent's arrival; in which case, having a family to support, I should be at a very considerable expense in this extravagant city."

Several material facts arise out of this extract:—It shews the period of Abrahams's throwing up the agency; it proves, that he considered himself master of his own actions; it is a clear manifestation, that I possessed no controul over him; and it follows, that a military agent, taken from civil life, being solely dependent on the secretary of war, may abandon his office at his discretion;

which puts it in his power, to disconcert the wisest arrangements, and by resigning at a critical moment, to defeat the plan of a whole campaign.

Copy of instructions to Major Pike, Military Agent pro tem.

"Camp Terre aux Bœufs, Sept. 13th, 1809.

"Sir,

Major Pike appointed agent.

"The situation of the public service, and the impossibility of finding a suitable character in private life, to undertake the temporary duties of military agent, oblige me to impose that office on you; the orders and instructions of the late incumbent, Mr. M'Culloch, are in the hands of Joseph Saul esq.; you are to apply for them, and are strictly to regulate all your actions, and transactions by them, until you are relieved by a regular appointment, by the war department. You are to refuse every thing you are ordered to refuse, and to give nothing but what you are ordered to give, and whilst you pay particular respect to the public service, are in no instance to depart from rigid economy.

"The troops being under orders of march, for the Mississippi Territory, you are, with the least possible delay, to employ the necessary transport, for conveying to Natchez, the clothing, camp equipage, medicine, hospital, and other stores, which have lately arrived, and are to be addressed to Lieutenant Jessup, brigade quartermaster, at that place.

"Although the orders and instructions of our superior, must form the rule of your conduct, I consider it my duty to admonish you, to be extremely tenacious, of all disbursements made for fortifications, and in paying persons engaged on that service, that you adopt such regulations, as may preclude every possible imposition; and in meeting past disbursements, your own safety requires, the utmost circumspection and strictest adherence to your orders.

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Lieut. Chrystie appointed assistant military agent.

"You will take Lieutenant Chrystie, as assistant military agent, if he will accept the appointment, and will employ such other assistant, as your instructions may authorise.

"Respectfully I am, Sir,
"Your obedient servant.
(Signed) "JAMES WILKINSON.

"*Major Z. M. Pike.*"

Thus, it appears, that there was a suspension of the functions of the military agency, from the middle of July, until the 13th of September, a space of two months; and THIS FACT WAS FULLY EXPOSED TO THE SECRETARY OF WAR, in the several letters referred to. How then could it be said "*that the military agent was at all times subject to my orders, and bound to comply with my requisitions?*" To you, gentlemen, and the world, I appeal for a decision.

General Wilkinson, impelled by imperious necessity, recommends the agent to draw.

But it may be urged, that what I had done in one case, I might have done in another; that I ordered Abrahams to draw bills, contrary to his instructions, and might have given similar orders to his successor. It is an old and a just adage, gentlemen, that "circumstances alter cases;" when I found the military agent, at New Orleans, on my arrival in April, without a cent in hand, or the means of procuring one, with the urgent claims of the service, pressing in every direction, and the troops actually in danger of being turned into the streets, from the quarters which had been taken for them, anterior to my arrival; I did hazard my responsibility, and recommend to the agent, *appointed by the government*, not by *myself*, to draw for funds; but the following extract of my letter, to the secretary of war, of the 20th of April, will pourtray the feelings, under which I ventured to make this assumption of power, and it is worthy notice that this measure, although not *disapproved*, has never been *approved*, by the secretary of war.

Extract of a letter from General Wilkinson, to the honourable the Secretary of War, dated 20th April, 1809.

Extract of General Wilkinson's letter to the secretary of war, informing him he had authorised the agent to draw.

"It, is however, indispensable to the interests of the government, and the safety of the army, that I should advise you without a moment's delay, of the very critical situation in which I find the military agency, which includes every department, from that of quarter-master-general, to that of fortifications, which is liable to one cent of expenditure. Mr. Abrahams, who is an honest man, and a faithful officer, called on me last evening, and advised me, that he 'should, in consequence of his bills being dishonoured, this morning shut up his office, and proceed to Washington.'

"However painful it may be, to interpose my authority on such an occasion, after the unmerited and long continued abuse, I have suffered, for serving the public, and saving it thousands, by the exercise of my discretion, in defect of orders; I believe, I should be guilty of a wicked omission of duty, if I suffered Mr. Abrahams to pursue his course, and submitted to the consequences, which would at once, stop the progress of the fortifications, which have been ordered, and turn the troops from their quarters into the street; I have, therefore, directed him to proceed as usual, in confidence that the rejection of his bills, has proceeded from error or misapprehension; if, Mr. Abrahams had shut up his office, my duty to my country, and the solemn responsibility in which I stand, to preserve the public interest, would have enjoined it on me, to appoint some person to discharge the duties of his station; and to draw on you for funds, until a regular appointment could be made, by proper authority; and this, by widening my responsibility, would have increased my pain and anxiety. Having acted not only for the best, but in such a manner, as every consideration of policy, interest, and duty prescribed, I feel assured of your approbation."

I, also, admit, that I did contemplate to direct Captains Swan and Gibson, successively, appointed to the duties

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of the military agency, *pro tem.*, a few days only before the arrival of Mr. M'Culloch, at New Orleans, to draw on the war department for funds, of which I gave advice to the secretary of war, in two official despatches; but if Mr. M'Culloch had not arrived, I should not have carried my purpose into effect, because I was deterred from the step, by the following considerations; that those officers were of my own appointment, not of the government; that I possessed no legitimate authority to justify this step; that the agent, Abrahams, had been forbidden to draw, according to his report to me; that the secretary of war, had reiterated his admonitions on the score of economy; that I had been, undeservedly and unmercifully, abused, for the prodigal waste of the public treasure; and that the accountant Simmons, was incessant in his clamours, against the disbursements of the army.

Let any military man, place himself in my situation, and then say, what would have been the effect, of such admonitions and such apprehensions; would they not have chilled his ardour; appalled his zeal; restricted his means; destroyed his confidence; and plunged him into that awkward predicament, in which a man becomes afraid to do right, lest he should be charged with doing wrong? And these considerations derived force, from the report of Joseph Saul esquire, who, in virtue of his office of general administrator, had got possession of Mr. M'Culloch's papers; from which it appeared, he was not authorised to draw bills on the war department, but was to look to the Bank of Discount and Deposit, in New Orleans, for funds, when none had been deposited for his use;* but, yet, I am condemned, for not directing the military agent, under this mass of insuperable obstacles, to advance money to the brigade and regimental quarter-masters, for the accommodation of the troops, on the voyage to Natchez; but who ever heard of the regimental quarter-masters, of a marching army, being furnished

Mr. M'Culloch ordered to look to the Bank of Discount and Deposit, for funds, though none had been placed to his credit.

* See M'Culloch's instructions, and my letters of the 31st July, and 3d September, 1809, to the secretary of war.

with money for such service? Every subaltern, nay every drummer, must know, that the quarter-masters of corps, do not belong to the department of purchases; in regular service they receive specifics, from the proper officers of the general staff, and it is their duty to distribute only.

To cap this column of impediments and interdictions, the secretary's letter, of the 10th of August, to the military agent, arrived at this critical stage of our operations, and was conclusive on my conduct; I, therefore, left Major Pike to the government of his instructions, and, if he did draw on the war department, it was done on his own responsibility; but under this pressure of embarrassments, what was my conduct? Did I abandon my trust without leave? Did I flee*, like a coward, from my command, leaving all things in disorder behind me? Did I give an example, which, without a corrective, goes to sap a fundamental principle of our profession; and, even, to justify desertion? No—gentlemen; when too ill to leave my apartment, or even my bed, on my own credit, and by the assistance of Benjamin Morgan esq.,† merchant of New Orleans, I raised between two and three thousand dollars, on a part of the notes, taken at ninety days, for the public horses, sold at a profit of 12 or 1500 dollars to the United States, which were placed in the hands of Lieutenant Jessup, the brigade quarter-master; who, after discharging, therewith, a variety of accounts, incident to the embarkation of the troops, had a sum, left in his hands, to disburse the contingent expenses of the march, which he was ordered to attend; but he had shared the common fate, and from a state of convalescence, unexpectedly relapsed, and was not able to overtake the troops, before they reached Natchez; at which place, it will be seen from Doctor Daniel's deposition, I

General Wilkinson driven to the necessity, of raising 2 or 3000 dollars on notes, taken in payment for public horses sold.

* This was the case of Brigadier-general Hampton, who relieved me, and fell sick at Washington, Mississippi Territory.

† A man whose patriotism and public spirit, would be honourable to the first citizen of his country, and whose beneficence is an ornament to human nature.

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again borrowed money for the accommodation of the sick.

In my letter, of the 26th of September, to the secretary of war, I observe "that the troops, being completely equipped for the voyage, commenced their movement, on the 20th, from a position above the city, and will not halt until they reach Natchez, unless compelled by weather, which is, at present, divine." This transcript, too, has been read in evidence against me, and I can have no objection to its admission, though I must take the liberty to extend the quotation, to shew you, gentlemen, the state of my health, when I wrote that letter.

General Wilkinson's severe indisposition.

"To find myself unable to accompany them, (the troops) even in a litter or a boat, has galled me to the soul, and seemed to retard my recovery—thank God, I feel relief, this morning, from my disease, which has been confined to my head, stomach, neck and shoulders, in the character of an intermittent, with so strong an inflammatory disposition, as to have obliged me to bleed copiously, five times since the 1st of June; it was my duty to laugh at the first attacks, (and not to yield to them) by way of example and encouragement; but two days after I began my embarkation, the enemy pressed me hard, and on my arrival here, the powers of my iron constitution yielded."

If the candour of this statement, should be suspected, I would recommend the perusal of the depositions* of

* *Extract from the deposition of Doctor Robert Dow.*

"*Question.*—Did you not visit General Wilkinson, when ill in New Orleans, in September, 1809?

"*Answer.*—I did.

"*Question.*—Did not his illness confine him to the house and his bed?

"*Answer.*—It did. He had a remittent fever, attended with very violent paroxysms.

"*Question.*—Did he not follow the troops, before his health was established, and too early for his safety?

"*Answer.*—He did, notwithstanding my advice, and the remonstrances of his other medical friends, to the contrary."

Doctors Dow, Flood, and Macaulay, who attended me, and of Colonel Beall, Captain Pinkney, and, *even*, of that horse officer, Lieutenant-colonel Backus, to dissipate every scruple; but with respect to the communication to the secretary of war, touching "*the equipment of the troops for the voyage,*" it is evident, from the circumstance of being confined to my bed, that my information must have been founded on report; and the consciousness of having done my duty, naturally inclined me to credit the information of my subordinates.

Extract from the deposition of Doctor Flood.

"*Question.*—Did you not visit and attend General Wilkinson, when ill in New Orleans, in September, 1809?

"*Answer.*—I visited General Wilkinson several times when sick in New Orleans, in September 1809.

"*Question.*—Did not his illness confine him to his house and his bed?

"*Answer.*—It did. My first visit to him was by the request of one of his friends, at the quarters of Major Z. Pike. He asked me to examine the state of his pulse; I did, and found it peculiar and irregular, which then gave me some uneasiness for his safety. I saw him afterwards; his state of convalescence was tedious, owing, I believe, to the great anxiety of mind, which he then appeared to labour under, and the being incessantly importuned on business.

"*Question.*—Did he not follow the troops, before his health was established, and too early for his safety.

"*Answer.*—I thought he did."

Extract from the deposition of Alexander Macaulay, Surgeon's Mate in the United States army.

"*Question.*—Did you not visit and attend General Wilkinson when ill, in New Orleans, September, 1809?

"*Answer.*—I did.

"*Question.*—Did not his illness confine him to the house and his bed?

"*Answer.*—It did.

"*Question.*—Did he not follow the troops before his health was established, and too early for his safety?

"*Answer.*—He did, both contrary to my repeated advice and remonstrance."

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Transport abundant when the army moved from the neighbourhood of New Orleans.

It cannot be asserted, that I could have had any interest in making an incorrect report; but what were the real circumstances of the detachment, when it left the vicinity of New Orleans? The transport was abundant.*

From Lieutenant-colonel Backus, it appears, that "some boats were exchanged, at New Orleans," and more might have been procured, if they had been required; but I heard no complaint on the subject; the boats were covered, to keep off the rays of the sun and the dews of the night, and were equipped with oars, masts, and sails. The troops had just received two month's pay, more than sufficient for the march. The contractor's agent attended the movement, with biscuit, flour, beef, and pork, of which I have heard no complaint; medicines and hospital stores, were distributed to the surgeons, in due proportions; the whole stock was sent forward; and if Colonel Beall, Captains Ragan, Gibson and Wallace, and Doctor Goodlet, may be believed, there could have been no sufferings for the want of those articles. And it has been proved, also, that the annual clothing accompanied the troops, although it appears, *from Lieutenant-colonel Backus's testimony*, that it was not made up, and of course, could not have been *conveniently issued on the march;* all these provisions, for the march, Mr. President and gentlemen of the court, were made under my own arrangements, at a time, either when much indisposed, or extremely ill; and what more would my enemies, expect from a sick man?

All kinds of supplies sufficient.

In the wide, wild range adopted by my accuser, I should not be surprised to hear it suggested, that in the circumstances of the troops, it was my duty to have hazarded my orders, and continued at Terre aux Bœufs; but to you, gentlemen, who understand the blind obedience, due to a peremptory order, no argument is necessary, to justify my conduct; if I had remained there on my own discretion, would my profession, or the secretary of war, have justified me? No! I could not have

Reflections on the secretary of war's order, and arrange-

* See the depositions of Captains Wallace, Ragan and Gibson.

looked for justification to either, because my own breast would not justify me, although my feelings and my judgment, recommended the measure. The letter of the secretary of war, of the 15th of July, fully explains, what were *his impressions, his calculations,* and *his expectations,* touching this *movement,* and if I had opposed them, it would have been at my peril; the events have shewn, that he was unfortunately deceived throughout. It is proved, by the testimony of Captain Ragan, that his company, one of the strongest, and healthiest of the detachment, at Terre aux Bœufs, which enjoyed every comfort and convenience, of a gun-boat passage, *the mode of transport presented by the secretary,* and wanted neither provisions, clothing, money, medicines, nor stores, suffured as heavily as any one, which made the voyage; but what would have been the consequence of my remaining, at Terre aux Bœufs, after the peremptory orders, and the arrangements of the secretary of war, for the movement to Natchez, and the pleasing anticipations, which are strongly expressed in his letters, of the 15th of July, and the 5th of August? I should have made myself, responsible for every death, which happened by disease or accident; they would have been magnified ten-fold, by Clark and his adherents; and then the violation of my orders, being palpable, I might have been, with good cause, accused of contumacy, and dismissed the service even without an enquiry.

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ments for the movement to Natchez.

I regret that I should ever be reduced, to the sad necessity, of justifying myself at any man's expense; but I have no alternative: I must submit to my wrongs, or vindicate my conduct.

It is in proof, before this court, from numerous sources on the spot, too highly distinguished for wealth, character, age, experience, observation and integrity, to be questioned—of soldiers and citizens—of physicians and surgeons—of Americans, Frenchmen and Spaniards, including the governor of the territory, that the position, of Terre aux Bœufs, is as remarkable for its salubrity, as it is for its aptitude to the defence of New Orleans; these

The position of Terre aux Bœufs, upheld by all descriptions of characters, for salubrity, and apti-

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tude for the defence of New Orleans.

witnesses, also, concur in the opinion, founded on common reason, and justified by the experience, of from eight to fifty years, that the ascent of the Mississippi, during the heats of spring, summer and autumn, would be dangerous to the Creoles of the country, and fatal to strangers:—What, then, must have been the natural, and inevitable result of such a movement, on a body of diseased valetudinarian and convalescent recruits, who had recently arrived there from the Atlantic states? With heartfelt sorrow, I answer, gentlemen, the grave which received them. Yet, it is my misfortune, that the secretary of war, should have adopted conclusions exactly the reverse, and that he should, on misinformation, have censured me for the exertion of my best faculties, in the execution of my orders, as will be apparent, from the following letter to Doctor Daniel, the senior surgeon at the hospital.

Reflections on the unseasonable movement of the troops.

"*War Department, January 19th*, 1810.

"Sir,

"Your letter of the 26th December is received—informed of the dreadful mortality which prevailed among the troops: I had hoped that your arrival at an earlier period than, as it appears, you had been able to effect it, with the assistance of Mr. Thomas and Mr. Pinkerton, whose time of departure from the states warranted a belief, that they would arrive in camp long before you, would have alleviated their calamitous condition: BUT THE SEEDS OF DEATH HAD BEEN SOWN AT TERRE AUX BŒUFS, AND IT REMAINED ONLY TO RESCUE FROM THE HARVEST, BY RESTORATIVE MEDICINES AND DIET, THOSE WHOSE STRENGTH OF CONSTITUTION HAD BORNE THEM THROUGH THE SEASON. I did expect, and I rest in confidence, that your arrival has given to the medical character of the army a new character, impulse and usefulness. To place at your disposal suitable means, and such as you shall approve, will be considered due to the public. That the health of the remnant who have survived, is to be restored less by medicine than by restora-

tive diet, you well know. If the arrangement cannot be made with the contractor, by a commutation of the ration for such articles as are suitable for the sick and convalescent, ADVISE WITH AND TAKE THE DIRECTION OF GENERAL HAMPTON, to whom I have written; he will authorise you to purchase supplies. Among the extravagancies at New Orleans, accounts were presented for articles such as you have named, and at prices which were exorbitant; on their being exhibited, A PROHIBITORY DIRECTION WAS GIVEN; BUT NEITHER THIS NOR ANY OTHER ORDER, IS TO STAND BETWEEN THE REASONABLE WANTS OF THE SICK AND THEIR GOVERNMENT. A memorandum of those articles was inclosed to you, by which you will perceive the nature of them, and the prices charged. Every thing in NEW ORLEANS appeared to be CORRUPT: it has proved the grave of our funds—the rest you too well know. It is possible, there may arise instances, in which the best arrangement that can be made will fail; in such circumstances, and until relief can be had by another arrangement, you may draw immediately on this department, keeping or causing te be kept, regular accounts and vouchers, with correspondent returns of sick, charging provisions and other articles under their proper heads.

"By Captain Swan, military agent, articles of medicine (of which an invoice is inclosed) presumed to be required, were shipped to New Orleans. Having charge of the medicine, it will be for your discretion, to select such as may be required for hospital service. For the year 1809 it was put up for each company,* and no specific quantity was selected for the hospital.

"Your assistant, Doctor John H. Turner, will be nominated for the office of surgeon's mate. Dr. Goodlet will be remembered.

* Medicines for an army arranged to companies! and the secretary of war, who directed this arrangement, himself a doctor. The secretary intended to equalise disease among the companies, without respect to natural or physical causes. "*Risum teneatis.*"

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"To take your case out of the rule, which has been established for the other officers, would be an act of injustice to them, and embarrassing in future.

"I am, very respectfully, Sir,

"Your obedient servant,

(Signed) "W. EUSTIS.

"*Doctor John M. Daniel.*"

I will not make it a question, gentlemen, but will submit the proposition to you: Can a physician, however consummate his knowledge, who was born and has lived in a northern clime, and an elevated country, be so competent to form a judgment, of the influence and effects produced by the Delta of the Mississippi, which he has not approached within eight or ten degrees, as members of the faculty, distinguished for skill, long practice, and experience, on the spot? Read, gentlemen, I pray you, the depositions of Doctors Montegut, Dow, Flood, Dale, Upshaw and Thruston, and make the application.

Remarks on the foregoing letter.

I call the attention of the court, to the contents of the foregoing letter; and I believe they must agree with me, THAT IF THE SEEDS OF DEATH WERE SOWN AT TERRE AUX BŒUFS, THEY GERMINATED ON THE VOYAGE UP THE MISSISSIPPI,* AND PREPARED THE FATAL HARVEST WHICH WAS REAPED AT WASHINGTON. We perceive, in this letter, that a commutation of the ration with the contractors, is recommended, for suitable articles for the sick; and Doctor Daniel is invested with discretionary authority, to provide for the hospital, and, in case of embarrassment, he is instructed, to draw immediately on

* Lieutenant-colonel Beall makes oath, on his examination by the first committee, of which Thomas Newton was chairman, that "while the troops were ascending the Mississippi, from Terre aux Bœufs to Natchez, hospitals were established at Point Coupée, and Fort Adams, where the weakest of the men were left, under the care of surgeons, guards, and attendance, with medicines, hospital stores, and provisions. The loss of men in the time of this movement (from the 12th Sept. to 31st Oct.) including the two hospitals, were near 300 in deaths, and some desertions."

the war department. We discover too, from this letter, that, in 1809, *the medicine was put up distinctly for companies, and no specific quantity was selected for the hospital. Contrast this letter, gentlemen, with the whole circumstances of my command, and I am persuaded you will admit the hardship of my case.*

Where proofs fail, gentlemen, implications are adduced, to aid this prosecution:—We are, therefore, taught to understand, that it is the duty (and this implies the right) of a commanding officer, to supply the vacancy of a military agent, when it may occur; yet nothing can be more incorrect: In a government of laws, all men ought to be bound by them, and more especially military men; and no authority, written or verbal, has ever vested in me, the appointment of a military agent: and I believe the same to be the case, with every other officer. The law expressly confines, the appointment of military agents to the President; but, urged by the necessity of the case, and a sense of public duty, I have hazarded such an appointment.—BUT THIS WAS AN USURPATION, AND USURPATIONS, ALWAYS DANGEROUS, SHOULD NEVER BE RENDERED NECESSARY, BY DEFECTIVE ARRANGEMENTS. In the case to which I refer, I appointed Major Pike to the military agency, and to prove my incompetency, the secretary of war superceded him, by the appointment of Captain Swan, who is the first soldier that has been commissioned to this office, since its institution.

CHAPTER XIII.

The specification, charging General Wilkinson with "permitting bad provisions to be issued," considered.—His letters to the Secretary of War, of 2d and 17th July, and 19th and 27th August, quoted.—Same to the same, of 13th April.—Sickness of the corps, traced to their rawness, and repugnance to the adoption of necessary discipline.—Testimony, produced on behalf of the prosecution and defence, examined.—Colonel Russell's testimony to the characters of B. B. Winn and James Morrison.—General orders of 19th, 22d and 27th June referred to.—General Wilkinson's exertions to procure good flour.—None to be found in New Orleans.—General Wilkinson, in his letter of the 9th of July to the Secretary of War, points out the bad quality of the provisions issued.—And on the 17th of the same month, assigns the disaffection of a part of the troops to that cause, and to the want of pay and clothing.—General Wilkinson's letters of the 19th and 27th August.—General Wilkinson, in default of supplies of flour, orders the purchase of 100 barrels, which turns out to be of no better quality than that supplied by contract.—The labours of accountant Simmons continued.—Remarks thereon.—Simmons calls in General Hampton to his aid.—Reflections on General Hampton's conduct.—Account of General Wilkinson's reception of that officer, from his own pen.—General orders of the 17th and 18th December, 1809.—General Hampton conceals the Secretary of War's letter, of the 7th November, 1809, from General Wilkinson.—The harmony that pervaded the army, at the period of General Wilkinson's resigning the command, exemplified.—Conduct of Captain Scott and Lieutenant Hamilton.—The harmony of the army abates under General Hampton's command.—Remarks on Captain Darrington's conduct.—General Wilkinson begins to suspect General

Hampton, of aiding the public cry against him.—General Wilkinson's feelings at discovering General Hampton's letter of the 21st February, 1810.—The letter.—Testimony of Captains Taylor and Wallace, and Doctor Daniel, in contradiction to General Hampton's statement.—General order of 1st March, 1810.—General Hampton's statement further exposed by Major Brownson's deposition.

I SHALL now, gentlemen, proceed to examine the specification, under the seventh charge, which sets forth:

Specification of the charge, of permitting bad provisions to be issued.

"That I permitted bad and unwholesome provisions, to be issued to the troops, under my command, in the summer and autumn, 1809; neglecting to exercise the rights of command, to remedy that evil, agreeably to the 2d, 4th, and 5th articles of the contract, for army provisions, made by James Morrison with the war department."

As no officer of the army, paid a tenth part of the attention to this subject, that I did myself, my own information to the secretary of war, will furnish the best testimony to the fact. From this information it will be seen, that the provisions issued to the troops, were not such as I approved, or the contract warranted; yet I shall prove, and I trust to your satisfaction, gentlemen, that it was not in my power to remedy the defect; and that the evil may be fairly ascribed, more to the effects of the climate, than the fault of the contractor. In this case, gentlemen, informers were not necessary, because I had informed against myself.

The communications, to which I have reference, will be found in the following quotations, from my letters to the secretary of war.

"*Camp Terre aux Bœufs, July 2d*, 1809.

"I do not, however, impute our disorders, to the position of this camp; but much may be ascribed, to the want of fresh provisions, stores, nutriment, and medical skill. Unwilling to swell our expenses a cent unnecessarily, I have delayed purchasing provisions for the sick,

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in the hope they might be furnished by the contractor; but being disappointed, I have given the necessary orders to supply the defect."

"*July* 9th, 1809.

"It appears to me, that we are afflicted by no dangerous epidemical, or contagious malady. I can, of consequence, ascribe nothing more to locality, than the ordinary complaints, incident to the country and climate. Much may, however, be imputed, to the want of medicine and medical skill, and the kind and quality of our provisions, but still more to the change of climate, and habits of life, and to the ignorance, and neglects of officers and men, in regard to the interior police of military corps, on which cookery and cleanliness entirely depend."

"*July* 17*th*, 1809.

[PRIVATE.]

"You may desire to know, the causes of this disaffection: they are various; the excitements of Clark, and his adherents in New Orleans; the declarations of Mr. Randolph in Congress, which induced the, almost, universal expectation of a general disbandment; a horror of the climate; the impatience, discontents,* and indiscretion of the officers; ignorance of duty, service, subordination, and discipline; negligence and inattention of the

* *Extract from the deposition of Col. Beall.*—"When the subject of the army is taken into view, when it is known, that the men were raw, undisciplined, hard of controul, and drawn from the extreme points of the United States, and commanded too by officers inexperienced in the usages of a camp, and the duty and conduct of soldiers and officers, great defects were to be expected. Hence the unremitted attention of the General to the police; his orders were frequent and pointed, as well as his personal observations, when among the officers; nor was any thing unnoticed. A captain of police was daily appointed, to visit and inspect the camp, and report defects and neglects; in the event, the labours of the General succeeded, and before we left the camp, it was dry and in good order." Taken at Washington, 30th August, before Daniel Rapine.

officers; want of clothing and pay; and bad provisions, with disease." CHAP. XIII.

"*August* 19*th*, 1809.

"Among the thousand difficulties, I have had to combat, that of the department of provisions, is not the least considerable; the clamours of the troops, have been loud and just, and I have not been able, to remedy their complaints; I have offered, as high as one hundred dollars, for a small cow, without effect, and the flour, in New Orleans, from some unknown cause, has this season been affected by the climate, immediately after landing. In consequence of the entire failure of the contractor, to furnish bread or flour to the troops, for two or three days successively, I, yesterday, ordered a purchase, of one hundred barrels, on any terms, which arrived this morning, and has been refused, by the contractor's agent, who got down a few barrels last night; and, of consequence, I am compelled, to order the issues to be made, by the brigade quarter-master, for account of the contractor; which adds to my pains and perplexities. Was the contractor here, from my knowledge of his character, I know these difficulties would not occur; but, unfortunately, his business is confided to a young man, without knowledge or experience, and apparently of an obstinate, perverse disposition; I wish, indeed, that he may not oblige me, to take the whole business out of his hands, and appoint a commissary, to purchase and supply; but in the last extremity, only, shall I resort to this step."

"*August* 27*th*, 1809.

"Amidst those difficulties, the increasing defects of the contractor's agent, augment my embarrassments, you have, under cover, copies of two letters to him, to which I have no reply. I have this day, peremptorily, ordered him, to camp, to make arrangements for subsisting the troops, on the impending movement; and, if he does not

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respect the order, I shall be compelled to appoint some other person."

But, gentlemen, what is the complexion of these letters? they are, marked by the frankness of a soldier, and the sedulous regards of a vigilant officer, to the interests of the service confided to him; they tell truths, and conceal nothing; but if I had been actuated by any base motives, to favour the contractor, and injure the troops, I should hardly have borne testimony, against the quality of his provisions; in that case, misrepresentation and concealment, would have characterised my correspondence. To these letters then, gentlemen, I can safely refer you, for proofs of my intention and integrity.

After, almost five years persecution, I consider it fortunate for me, that I am brought to plead, before gentlemen of professional experience.

You, gentlemen, have operated, and co-operated with raw troops, and you have witnessed their uniform caprices, and discontents, when first entering upon the hardships, and privations, of a soldier's life; but, you have nevsr served with an army, huddled together, on a sudden, in broken detachments, from almost every quarter of the nation, and under officers, three-fourths of whom had never borne arms; this, gentlemen, was my case, and the consequences were anticipated in my letter, to the secretary of war, of the 13th of April, on board of the Hornet, at the mouth of the Mississippi.

The peculiar condition, in which, I found the corps, (as impatient, and as refractory as spoiled children) was unfavourable to that police, which is indispensable to health, in congregated bodies; both officers and men, were green from the bosom of civil life, and had reached that stage between the armed yeoman and the disciplined soldier; where the promptitude and enthusiasm of the citizen is lost, and a sense of veteran punctuality, and obedience, had not been acquired.

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The witnesses, which have been brought to sustain this charge, are Lieutenant-colonels Backus, and Milton, and Captain James Gibson, with William Simmons, the accountant; the first, sworn before the committee, in 1810, deposed that "the provisions were bad, generally; particularly the flour, which was frequently sour, mouldy, in lumps, and sometimes full of bugs and worms." And, he adds, that he "believes good flour, could have been procured in New Orleans, and that the General did procure, one hundred barrels of good flour, for the army." Before this court, he swears, "that he heard no complaint of provisions in New Orleans; that the troops began to complain, at Terre aux Bœufs, some time in July; that he heard of one inspection, and knew of another, in both of which, meat was condemned; that he frequently saw me at the contractor's store, and my anxiety appeared to be great, for a supply of good provisions; that the pork, was sometimes merchantable, sometimes indifferent, and sometimes too bad for the troops to use; but does not know, whether the contractor's stores, were overhauled, for better; and heard of no order, to oblige the troops, to receive defective provisions. That orders were issued, to oblige the regimental quarter-masters, to attend the drawing of provisions, and the company distributions. That my precautions, in relation to the health of the men, and my exhortations to the officers, on the same subject, were very frequent."

Lieut. Col. Backus's evidence.

Lieutenant-colonel Milton, deposes,

"That the flour and pork, issued to the troops, were of a bad quality, and frequently refused; that he several times, returned the provisions issued to the men; it appeared, as if there was some neglect, on the part of the quarter-masters, as to the provisions received by them; for that several times, when he returned bad provisions, good were sent in their place; that, some times, he could not procure good flour for his men, but cannot be positive as to pork. That Colonel Parker was particularly authorised, to purchase fresh beef, in case, the contrac-

Lieut. Col. Milton's evidence.

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tor should fail to comply with orders. That poultry was frequently purchased, and brought down, from New Orleans, for the use of the sick and convalescent."

Captain Gibson deposes before this court,

Captain Gibson's evidence.

"The flour issued was generally bad; the men complained of it; he applied to the contractor, and sometimes got better; parts of the barrels issued, were in lumps, and resembling sulphur in colour; he believes, the contractors might generally have got good flour;—same case with the pork; sometimes pretty good, and at other times rancid, and very bad;—believes a part of the flour, and pork issued, unmerchantable, and unwholesome; sometimes pork was thrown away, but bad flour kept to clean pantaloons; that the fresh beef, was as good as could be procured, and none of bad quality issued; a hundred barrels of flour, purchased by the General, of better quality than contractor's; that the greater proportion of pork, and flour issued, was not proper for the use of the soldiers; but it might have happened, the light artillery was worse served, than the other corps, as they had no quarter-master, a serjeant sometimes doing the duty, and sometimes a private; believes the contractor, generally, kept on hand good flour, as he served the officers with good, and to avoid expense, issued the bad to the troops; he does not believe, when bad provisions were offered, the contractor's magazines, were overhauled for better; that it is the unquestionable duty, of the regimental quarter-masters, to draw provisions for the troops, on the company's regimental returns, consolidated and signed by the commanding officers; and also to refuse bad, and unwholesome provisions; that he does not know, of any report being made to General Wilkinson, of the contractor's refusal, to issue sound provisions, but, he believes, reports were made to him, of bad provisions being issued; the rule of service, is, to return for complete rations, and to take due-bills for deficiencies;—thinks the climate of New Orleans, destructive to provisions of all kinds; that there was no want of fresh beef, after the contractor began to issue;

and a drove accompanied the movement up the river;— does not know the General, ever issued orders, that the troops should receive the provisions, offered by the contractor; that he was ordered to purchase beef, for the troops at Terre aux Bœufs, and would have done so, if he had been furnished with money;—he does not know, that General Wilkinson, ever neglected to appoint a board, to inspect provisions, when reported unsound; that when acting as brigade quarter-master, he received an order, from General Wilkinson, on A. D. Abrahams, for $500, to purchase fresh provisions, *which he, Abrahams, refused to pay, alleging his orders of the 12th December*, 1809, from the war department, to justify his refusal; that the General advanced money, from his own pocket, to purchase provisions for the sick, and that he heard no complaint, of the provisions in New Orleans."

William Simmons, the accountant, as true to my persecutions, as the needle to the pole, comes forward to distort facts, and thereby to remedy the defect, of the instructions to the military agent: what a valuable witness is this man? his depositions are to be found scattered over the voluminous records, of my persecutions. Did he live in a country, where oaths could find a ready market, he might cease to be accountant.

It will be seen, that this witness, when called before a committee of Congress, the 12th of January last, in a species of argumentative deposition, makes the following declaration:

Wm. Simmons's evidence.

"I did, on the 26th of May, 1810, settle the account of the contractor, for the provisions issued to the troops, at the camp at Terre aux Bœufs, near New Orleans; and have passed to his credit, the sum of $35,415 20cts., being the full amount, of all provisions issued by him, at that camp, at the full price, as will appear by an abstract herewith, No. 1, agreeably to the 1st, 2d, and 3d articles of the contract; and in conformity with the usual vouchers, being produced by the contractor, that he had issued full, and complete rations, together with sundry extra supplies. After I had settled, the account of the

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contractor, Major James Morrison, as above referred to, I perused the report of the committee, to enquire into the causes of the mortality, of the army at New Orleans, reported 27th April, 1810, wherein I discovered, that one of the causes assigned by the deposition, of several of the witnesses, for the mortality of the troops at the camp, at Terre aux Bœufs, was from their using bad, and unwholesome provisions. This information I was not a little surprised at, knowing, that I had passed to the credit of the contractor, all the provisions, issued by him at that camp, at the full contract price, for complete rations. This information made it necessary for me, to re-examine what I had before passed upon, to the contractor's credit, fearing that there might be some imperfection in the vouchers, and that an improper credit might have, inadvertently, been passed; but all of which abstracts, I found, on the re-examination, to be such as are usually produced, as vouchers to the contractor: the greater part of the abstracts, being signed by the order of General Wilkinson, expressing for complete rations, without any complaint, or remark that any part of them were unsound, unfit for use, or of an unmerchantable quality. I was, therefore, obliged to consider the credit, as proper to the contractor; if the provisions, that had been issued to the troops near New Orleans, were damaged, or of the kinds stated, by a number of witnesses, General Wilkinson had it fully in his power, under the 4th and 5th articles of the contract, to have it condemned, and other provisions purchased, at the expense and risk of the contractor. The only purchase, that appears to have been made, under the order of General Wilkinson. in consequence of the failure of the contractor, was the purchase of 98 barrels of good flour, at eight dollars per barrel, which were turned over to the contractor's agent, and are charged to him. The 4th and 5th articles of the contract, alluded to, are copied, and a copy is herewith, No. 2. It may not be improper to state, that by a letter, I have seen, from General Hampton, under date of the 21st February, 1810, and other information,

that has been officially communicated to me, that soon after he had taken the command of the army, that provision of the kind, that had been furnished to the troops, at Terre aux Bœufs, had been offered to be issued, to the troops under his command, which he refused to receive; and under the contract, he purchased good and wholesome provisions, which the contractor's agent, consented to receive, free from expense to the government, and issued it to the troops, by whom there was now no complaint."

And to this declaration, he has added an abstract of provisions, headed in the following terms: "Abstract of provisions, issued under contract of James Morrison, dated 24th June, 1808, to the troops stationed at Camp Terre aux Bœufs, from 3d June to 31st October, 1809, and passed to the credit of said contractor, on settlement of his account, dated 26th May, 1811;"* which he has since verified, on oath, before this court; and he has also informed you, gentlemen, that "when the contractor fails, the commanding officer draws for funds, to supply the defect, directly on the war department; that these bills, are countersigned by him, before paid, and then he charges the amount to the contractor; that it would be wrong to apply to the military agents, for funds in such case, and that they have nothing to do with it."

In opposition to these vague, doubtful, inconsistent testimonies, and the charge they are brought forward to support, I shall proceed, gentlemen, to call your attention, to the evidence delivered by Colonel Beall, Captains Pinkney, Ragan, Wallace, Dale, Chrystie, Cutler, and Whartenby; Lieutenants Jamieson and Opie, and Messrs. Morrison, Brownson, and Winn; which will lay bare to you naked truths, and expose the omissions and distortions, of the witnesses called on the part of the prosecution. I am interested in recording these testimonies at large, in this place; but this would occupy too much

* See Fourth Report Committee of Congress, Mr. Newton chairman, page 10.

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of your time; and as I can safely rely on your strict examination of them, before you pass sentence, I shall confine myself, to the brief quotations, of the points most material.

Testimony of Colonel Beall.

Colonel Beall deposes that, at Terre aux Bœufs, "flour or bread and pork were regularly issued; and after a little time, beef; and when these were bad, remonstrances, protests, and condemnation, were resorted to: flour in the southern country, is apt to sour, and at a certain season it is very difficult to get good: the provision was sometimes bad, and much complained of; the General always used his best endeavours, to procure better, by remonstrating, or buying or endeavouring to buy, and sometimes condemning. I was one of a board of officers, called to judge of beef, procured and offered to the troops, and the principal part of it was condemned; and there were several instances of the kind; and from his orders, and frequent conversations I had with him, I do know, he used every exertion to procure, fresh beef and other provision. The mode of drawing provisions, is by a condensation of the company returns, by the quarter-masters, signed by the commanding officers, and handed to the contractor, or person issuing provisions; and the drawing officer most certainly has a right, to reject unmerchantable provisions: the abstracts for provisions, are founded on the regimental quarter-master's, or other returns, at the end of each month; therefore, the quantity of provisions, at the time of signing the abstracts, cannot be brought into view."*

Testimony of Captain Pinkney.

Captain Pinkney deposes before this court, that "he was of my family at Terre aux Bœufs, from about the middle of August, until we left that place, and, frequently, eat of the provisions of the contractor; the pork and beef were good; the bread was generally procured at the market, and was of a better quality, than that baked by the contractor; although he believes, it was frequently made of the same flour, which the soldiers had exchanged

* See Second Report, page 51, and Fourth Report, page 34.

for vegetables; the General requested him to search among the flour, which had been, a day or two before sent to camp by Major Pike, for a barrel for his use, which he did, with the assistance of Captain Wallace, and, on inspection, found the whole more or less sour."*

Testimony of Captain Ragan.

Captain Ragan deposes, that "whilst *at New Orleans*, complaints were frequently made to him, by his men, of the badness of the pork; but he does not recollect, of hearing any complaints, after his arrival at Terre aux Bœufs, and that he did not suffer his men, to eat unsound pork or bread, while at Terre aux Bœufs; that he made no complaints to the General, of the badness of the provisions, and does not recollect hearing that any other officer did."

Captain Chrystie before the committee of Congress, deposes that "the provisions were generally fresh, and good, except the flour, and he believes good flour was, at that time, very scarce in New Orleans."

Testimony of Captain Cutler.

Captain Cutler deposes, "at Terre aux Bœufs, our meat was generally fresh, and generally good; our flour sometimes bad: I subsisted principally, on provisions obtained from the contractor."†

Testimony of Captain Wallace.

Captain Wallace examined before the court, deposes, that "the provisions issued in New Orleans, could not be called good, and that it did not differ, from that issued at Terre aux Bœufs, for the first four or five weeks: his mess got their pork, from the contractor or his agent, and also the greater part of their bread, which was of the same quality, the men drew: I never knew him (the contractor's agent) that I recollect, asked to take provisions back, except one barrel of flour, which he did take back without hesitation, and gave another in its place: I was at Orleans, while the troops were at Camp Terre aux Bœufs, I think the latter end of August; I boarded at Mrs. Vanpradille's; she said it was very difficult, to get good bread, and that almost all the flour in the place

* See Second Report, page 104.

† Evidence before the court, and Second Report, page 95.

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was sour; I heard others make similar remarks in the city: Lieutenant (now Captain) Whartenby, who messed with me, went to New Orleans, shortly before the troops moved from camp; I requested him to purchase some good bacon, and biscuit for the mess; when he returned, he informed me he had done so; I examined it, and found it much worse than the provisions we received from the contractor; Mr. Whartenby said it was as good as he could get."

Testimony of Captain R. C. Dale.

Captain Richard C. Dale, examined before the committee of Congress, declares "I am convinced the General did every thing in his power, to supply the defect of provisions; but the country did not afford them, no beef cattle being to be bought short of the Appelousas. I was assured, by the inhabitants of the city of Orleans, that the western flour, or that which came down the river, even if it bore a critical inspection, on its arrival, spoiled, or became damaged in a few days after."*

Testimony of Captain Whartenby.

Captain Whartenby, examined before the court, deposes, "When at Terre aux Bœufs, we generally subsisted on the provisions of the contractor, that is, pork; I, once, went to New Orleans, and was authorised by the mess, to lay in some hams and biscuit, with other stores; I employed a storekeeper, in the town, to purchase those articles for me, the best that could be had; when they arrived, we found the hams to be spoiled, and the biscuit mouldy, and we had recourse to the contractor's pork: we generally purchased our bread, at the camp market, and a tavern near the camp; when this could not be had, we used the contractor's flour: he does not recollect having eat unsound provisions, but knows of such being issued, and carried back to the contractor; and he being questioned, about issuing such provisions, his reply was, it was a mistake of his servant, and such provisions were not issued for the officers; I told him they were not fit, for either officers or soldiers, and he

* See Fourth Report, page 55.

acknowledged, they were not proper to be issued, and we got better in the place of them." CHAP. XIII.

Testimony of Lieutenant Le Roy Opie.

Lieutenant Le Roy Opie, before the court, deposes: "I was quarter-master to the 5th regiment—arrived at Terre aux Bœufs, July 8th, 1809: I attended regularly the issue of provisions, unless otherwise engaged in duties of the line; the bread and flour generally bad; the pork sometimes good, sometimes bad; the beef better, than is generally got in warm climates; agreeably to general orders, I did, in my turn, attend to the slaughtering of the beef; I was not bound by any act of General Wilkinson, or induced by any negligence, or connivance on his part, to receive provisions which I believed to be unwholesome, or unsound; the quarter-master has it in his power, to reject the provisions, when he thinks them unfit for use, and report them to the general, or commanding officer, for inspection; I had no other supply of beef and pork, but what was furnished by the contractor; as were also my bread and flour: there was, generally, no want of fresh beef, after my arrival at camp, except now and then, in the interval of slaughtering one drove, and that of another: the men of some of the companies, have sometimes applied to me for pork, instead of beef, saying they were tired of beef: in drawing flour at Terre aux Bœufs, I never discovered bugs or worms in it: I know some of the provisions at Terre aux Bœufs were bad, but generally comparatively good: I served as midshipman on board the Congress frigate, and have seen much worse flour, and bread, on board the frigate, and worse fresh beef, than was drawn for the troops at Terre aux Bœufs; this was while we were on the West India station, and the flour and bread, had become very much injured, by the climate and by worms; and the grass fed beef from the shore, very thin and bad: I have known the provisions to be thrown away, by the sailors, and indeed by myself, when unfit for use. I never made report to General Wilkinson, of bad provisions offered for issue at Camp Terre aux Bœufs; whenever the provisions received from the contractor, were so bad as not

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to be fit for use, I returned it and, of course, there was no necessity of complaining to the General: I do not believe that, in issuing to a regiment, every mess can be equally furnished, and the circumstance of some messes, being better served than others, naturally excites discontents and complaints, particularly when the officers connive at such complaints: whenever the flour was so bad, as to be unfit for use, I returned it, and got other in its place: I was partly induced to accept the provisions, at Terre aux Bœufs, as a matter of necessity, supposing better could not be got; I did not, however, consider it unsound: I have received flour in cakes, which when exposed to the sun, and air, became eatable; if I had thought better could have been obtained, I should not have received it: all returns for provisions, are made out for full rations, and the contractor gives due bills, for such parts as are not drawn, and the quarter-master is accountable to the regiment, for the provisions due; the soldier is always entitled, to draw from the contractor, compensation in lieu of any of the component parts of the rations not drawn."

Testimony of Lieutenant John Jamieson.

Lieutenant John Jamieson deposes, before the court, that "he reached New Orleans in May, went with the troops to Terre aux Bœufs, and remained there until the 5th of July; then returned to New Orleans, and continued there until the 12th of October; his family was with him in New Orleans, and after the middle of July, found it impossible to obtain fresh flour: it was generally sour; he made considerable enquiry, went to many of the bakers, where he found fresh flour—which they would not sell; he was obliged to decline purchasing flour, and get bread from the bakers; several of the bakers informed him, that after that period, they were in the habit of getting fresh flour, from the Atlantic states, by contract, for the purpose of serving their customers; that about that time, or little earlier, the supplies from the Ohio, generally failed, and what *did* come, soon turned sour; that the flour, was not brought from the Atlantic states, to the New Orleans market, general-

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ly, but consigned to particular persons, under express contract; Colonel Parker and Lieutenant Gibson, rode up the Levee with him, when returning to New Orleans, said they were going in search of fresh beef, and stopped at a plantation; and next time he saw Colonel Parker, understood from him, he could procure none; he was in several warehouses, in quest of flour, and found it generally sour.'

Testimony of James Morrison.

James Morrison, in his affidavit read before the court, declares, that "he has never shipped a barrel of flour, for the use of the army, when at his own risk, without its being previously inspected, and branded by a sworn inspector, conformably to the laws of the state of Kentucky; all the flour, and pork delivered at New Orleans, and issued to the troops there, and at camp Terre aux Bœufs, in the year 1809, (and since) was previous to its reception, into the contractor's stores, regularly examined by the city inspector, and passed by him, as sound, merchantable provisions, with the exception of one parcel of flour, which was issued previous to the departure of the troops, to Terre aux Bœufs; that he made no distinction in the flour, delivered at Fort Adams, and that at New Orleans; and never heard any complaints, from the former place, until January 18th, 1810, when he was informed by the secretary of war, that the General (Hampton) represented to him, the provisions were unsound at Fort Adams, and Natchez; he believes the provisions, procured by him, for the use of the troops, in 1809, were as sound and merchantable, as ever descended the Mississippi; being anxious in that year, to provide flour of superior quality, he made a contract with General Wilkins, of Pittsburgh, for 2,000 barrels, who in a letter, of 25th March, 1809, wrote him, of that flour, in the following words: '*This flour, as I formerly mentioned, is as fine a parcel, as ever went down the river; it is made at our best mills, and a large proportion, is superfine, and all fresh ground out; I am sure you would make a handsome profit, by selling at New Orleans.*' A moiety of this flour, was delivered to Keith Spence, navy agent, at New

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Orleans, in pursuance of instructions from the secretary of the navy, having been previously inspected, and passed as sound and merchantable; it is however proper to remark, here, that Mr. Spence informed me, afterwards, that part of this flour became unfit for use. The other moiety, say 1000 barrels, was in part delivered at Fort Adams, and New Orleans; that, received at the latter place, was inspected by Ignatius Pigman, the city inspector, and passed as sound, merchantable flour; that he has not *now*, nor has he ever *had*, at any preceding period, nor has he in prospect, any connexion with General Wilkinson, of a pecuniary cast or character, by which either can be benefited; that he has never experienced from General Wilkinson, while in command, any facility or indulgence, to which he was not entitled by contract; and that the said General has not in any instance, served or promoted his interests, at the expense of the troops, under said Wilkinson's command, or of the public service in any shape."

Testimony of B. B. Winn.

B. B. Winn, in his affidavit, read before the court, deposes, that "Major James Brownson, and himself, in conjunction, had the superintendence of the contract, for the Mississippi and Orleans territories, in the year 1809; that he was stationed at New Orleans, and had the immediate management, of the different posts dependent thereon, viz.: Forts St. Philip and St. John, Fort Stoddart and English Turn, New Orleans and camp Terre aux Bœufs; of the provisions issued to the troops, the pork was very good, the fresh beef was also very good, and was furnished, after the month of June, in very great proportions; the greater proportion of the flour, was good, such as no disinterested man, in his opinion, could condemn, and better, if as good, could not be procured, in New Orleans, until the eastern flour, began to arrive: which was about the 1st of September, and then in but very small quantities. It is true, and a fact well known to the dealers, in the article of flour, that it did not keep as well, in New Orleans, the season of 1809, as for several seasons before, and since; and that of the bakers

as well as the contractor, shared the same fate; though a part of the flour, issued to the troops at camp, in the month of June, from being exposed to the weather, for want of store houses, received considerable damage, and a great loss was incurred, as well of the pork, as the flour—the purchase and reception of flour, for the troops, stationed at the different posts, dependent on New Orleans, commenced in February, and ended, he thinks, in July; the whole of which, except about 300 barrels, the first received, a part of which was sent to the outer posts, and the balance issued first, in New Orleans, was regularly inspected by the city inspector, as received and purchased; and passed by him as good and merchantable —that he did purchase flour, in New Orleans, for the troops, in 1809, and that it was, in his opinion, equal to any eastern flour, sold in the market that season; that the flour issued to the troops, at camp Terre aux Bœufs, was equal to, in his opinion, and a considerable quantity was much better than, the flour for sale in New Orleans, in 1809, as he had much later arrivals, in that season, than any for sale, consequently fresher and better; that of the hundred barrels, purchased by order of General Wilkinson, what little he saw of it, was no better than that of his own stock, and he was also informed, by the men who issued it, that it was no better; that, on the 4th of July, he had one hundred and six beeves delivered, (for the troops at camp Terre aux Bœufs) and kept some on hand ever after, until the troops left the camp—that he had beef condemned, at camp Terre aux Bœufs, in June; that several examinations took place, by order of General Wilkinson, but no condemnation, except the one mentioned, while he continued at camp; that he thought General Wilkinson's conduct, was marked with inattention, towards the contractor's department, and did not indulge the contractor, with those accommodations he had a right to expect, and as, he conceived, by the contract, the General was in duty bound to shew; but in all the General's conduct, he observed the most rigorous hostility, towards the interests of the contractor."

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Colonel Wm. Russell, before the court, declares on oath, "*he has known* B. B. WINN *from infancy*," *and gives him a high character for* PROBITY—and as to JAMES MORRISON, "HE WAS A WARRIOR OF THE REVOLUTION, AND ON THE HARD FOUGHT 19TH OF SEPTEMBER, 1777, SLEW THREE OF THE ENEMY WITH HIS OWN ARMS, AND HIS SUBSEQUENT CONDUCT IN LIFE, HAS BEEN NOT ONLY CORRECT, BUT EXEMPLARY."

John Brownson, in his affidavit, read before this court, declares to the following effect:

"*1st Question.*—Were you agent for James Morrison, on the Mississippi, in the years 1809–10?

"*Answer.*—I arrived at Fort Adams, the 22d March, 1809, since which I have been an agent for James Morrison, on the Mississippi.

"*2d Question.*—What was the quality of the flour, issued to the troops, during the year, 1809? Did you not purchase flour of the best quality, in New Orleans, and do you not believe the flour, issued to the troops, equal in quality to any flour for sale, in New Orleans, during that summer and autumn?

"*Answer.*—I believe the quality of the flour, issued to the troops, to be as good as was, generally, brought down the river that season. No flour or pork, that I knew of, was received in store, in New Orleans, for the use of the troops, that was not first inspected, and passed by the city inspector. The instructions of the contractor were very particular and positive, to receive no provisions, without inspection, and which was not of good quality. I was not in New Orleans, all the season.—Mr. Braxton B. Winn had charge of the business.

"*3d Question.*—Is it practicable to purchase beef cattle, from the inhabitants in the vicinity of New Orleans, and does not the market of that city, derive all its supplies of this article, from the Appalousa, and Attacapa, and the upper settlements of the Mississippi, and those of the Ohio; was not the same the case with the contractors, and what is the distance, of the travelling route,

from New Orleans, to the settlements of Appalousa and Attacapa?

"*Answer.*—I found it impossible to procure a supply of beef cattle, from the inhabitants in the vicinity—I did get a few, at Terre aux Bœufs, but they were of such quality, that an inspection was held on the beef, before the troops would receive it: and, to the best of my recollection, a part was condemned.

"The city derives its supplies, principally, from Appalousa and Attacapa, and some from the upper settlements on the Mississippi and Ohio; and the contractor had to procure his, from the same places. From the best information, I can obtain, the distance from New Orleans, to the Attacapa and Appalousas, is from one hundred and fifty, to two hundred miles."

Here then, gentlemen, you have before you, the whole of the testimony, worthy of a moment's consideration, which the occasion has called forth; and if I do not deceive myself, I think it will suffice, to seal the lips of my enemies, in respect to my connivance at the issue of bad provisions, at Terre aux Bœufs, and the practicability of procuring good flour, in New Orleans, after the middle of July, 1809.

Lieutenant-colonel Backus, and Captain Gibson, much relied on by the prosecution, both swear, they "heard no complaint of provisions in New Orleans, and that the complaints of the troops, at Terre aux Bœufs, commenced some time in July;" but notwithstanding the prejudices which have been excited against me, and the base intrigues, and influence, which have been employed to destroy me, not a solitary witness, has been hardy enough to confront me, before this court, and swear, that the quality of the provisions, was either reported to me, or even complained of; and, at the same time, you have before you, gentlemen, abundant proofs of examinations and condemnations, and of my solicitudes and exertions, to remedy the quality of the provisions.

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Mr. President, were it necessary for me to contest facts, the contradictory tenor of the testimony before you, puts it amply in my power. Backus and Gibson, are the only witnesses who swear, to the intolerable badness of the provisions issued, at camp Terre aux Bœufs, and THEIR BELIEF, that good flour might have been procured, at the same time, in New Orleans. However respectable Captain Gibson's character may be, he and Colonel Backus, were both of them strangers to the country, its commerce, and the effects of the climate; and to these witnesses, I would oppose, with overwhelming force, the evidence of Colonel Beall, Captains Pinkney, Ragan, Dale, Wallace, Chrystie, Cutler, and Whartenby, Lieutenants Opie, and Jamieson, and James Morrison, B. B. Winn, and John Brownson; but the testimony of Backus and Gibson refutes itself, or convicts them of neglect of duty.

If the provisions were unfit to be issued, how are we to estimate, the merits of Lieutenant-colonel Backus, or any other officer, standing at the head of a corps, and suffering the abuse, without opening their lips to the General? here, indeed, a charge of neglect of the most serious nature, would strictly apply: for Backus says, "the pork was sometimes merchantable; that the stores of the contractor, were never overhauled for better provisions, than that he offered for issue, and that no order, of the General, compelled the troops to receive bad;" and Captain Gibson says, "he has returned bad pork, and flour, and got better, and that the contractor, he believes, always had good, as he furnished the officers such, and, to save expense, issued the bad to the men."

With such convictions on his mind, at that time, I think, upon reflection, Captain Gibson will be candid enough to agree with me, that he ought not to have suffered his men to draw "UNSOUND PORK, AND FLOUR IN LUMPS, AND OF THE COLOUR OF BRIMSTONE," when the evil might, according to his belief, have been promptly remedied, by a statement of the fact to the General, whom

he could not avoid seeing, several times, every day. But I knew no more of the "BRIMSTONE COLOUR OF THE FLOUR," AS CAPTAIN GIBSON HAS DESCRIBED IT, than I did of its being, at any time, "FULL OF THOSE BUGS AND WORMS, WHICH SEEM TO HAVE CAUGHT NO EYE, EXCEPT THAT OF COLONEL BACKUS." That flour should be caked and discoloured on the surface, in warm and moist climates, cannot be a novelty, to any person of observation and experience; for the humidity of the atmosphere, striking through the wood, naturally cakes and discolours the flour, which is found adhering to the heads and sides of the cask, while the interior may be still sound; and this will always be found the case, with flour sent to the market of New Orleans, by the western waters, a few months after its arrival there, if the season be not remarkably dry and temperate.

Probable reason of Captain Gibson's corps being badly served.

Captain Gibson does, however, admit, that his corps might be worse served than others, and he assigns a very natural reason for this admission, viz. that "he had no quarter-master, and that the provisions of the men were drawn, *sometimes by a sergeant, and sometimes by a private.*"

What! Mr. President, the provisions of a battalion drawn by a private? Have you, gentlemen, ever heard of a similar case? And where is the chance for justice, in transactions of this nature, between a private soldier, and an interested commissary, who always possesses the means, to deceive or debauch the soldier?

The acknowledgment does credit to the candour of Captain Gibson, and the fact, thus acknowledged, will also serve to account, for the very different observation made by Colonel Ragan, of the Washington militia, then a captain, and encamped on Captain Gibson's left, who swears "*he never heard a complaint of bad provisions, at Terre aux Bœufs, and did not suffer his men to draw unsound.*"

But, gentlemen, were these conflicting testimonies referred to me, as a casuist and a judge, in a case to which

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I was an utter stranger, what would be my conclusions? —That the provisions of the contractor, and of the market of New Orleans, had been deteriorated by the climate, and reduced by similar causes to the same quality; that the agent of the contractor, solely intent to promote the interests of his employer, made it a rule, to select, in course, the worst provisions for issue to the troops, and, that, "from the neglects of the regimental quarter-masters," as Colonel Milton has correctly observed, and, I will add, of the commanding officers of corps, as is shewn by Colonel Backus and Captain Gibson, he was permitted to indulge his avarice, at the expense of the troops; while according to the evidence, for and against the accused, he had better in store, and such as was furnished the officers; and by these neglects of the officers, he was suffered to proceed in this way, while the deterioration kept pace with the issues, and thus the troops were badly served throughout.

As I heard one complaint only, of the provisions in in New Orleans, before the troops left that city, and as that was remedied, on an inspection, I could have no idea, of the defective quality of the contractor's stock, or that in the market of the city, until the complaints commenced, at Terre aux Bœufs, about the middle of July; no cause therefore existed, anterior to that period, to call for my interference with the contract, on the score of flour; but I had myself observed, a defect of fresh beef, and my orders of the 19th, 22d, and 27th of June, which are before the court, will shew, that "*the contractor was ordered to furnish fresh provisions, three days in a week; and in case he should fail, to supply agreeably to orders, Colonel Parker was authorised, to cause fresh meat to be bought; that the brigade quarter-master, was also ordered to purchase, on the application of the surgeons, comforts and necessaries for the sick and convalescent,*" *without limitation;* and, I think, it will appear from these orders, that I made no criminal delay, in exerting my authority over the contract, although, from insuperable obstacles, with-

Orders of 19th, 22d, 27th June.

out sensible effect: my letter to the secretary of war, of July 2d, on the subject of fresh provisions, is thus explained. CHAP XIII.

As soon as the flour was complained of, I commenced my visits to the contractor's store, and continued them, when able to walk, every day or two the whole season; the flour appeared fair, and I never saw a bug or a worm; I have frequently tasted it, and found it a little tart, but in other respects faultless; very often, in the course of my service, have I myself been obliged to put up with much worse, and I eat of it during the season; but, knowing the troops were entitled to merchantable flour, I determined they should have it, if it was to be procured; I, therefore, after due warning to the contractor, spoke to several merchants of New Orleans, and particularly Nathaniel Cox esq. of the house of Hart, Bartlett & Cox, which was extensively engaged in business with Kentucky, from whom, to my surprise, I learned, that not a barrel of sound flour, could be purchased in the city.

No sound flour to be found in New Orleans.

The deposition of Mr. Cox, taken by consent, transmitted to me at this place, and exhibited to my counsel, and, I think, also to the judge advocate, spoke expressly to this fact, and embraced a quotation from his books, of the sales of some flour in July; but it has been mislaid or lost.

It was in vain then, gentlemen, for me to exert my authority over the contract, even, if the whole treasury of the United States had been at my disposal, because the mere circumstance of making the purchase, could not have improved the quality of the flour; the contractor's agent was, therefore, directed to supply the best which could be procured, and I was satisfied he did so, except for the few days he failed altogether.

General Wilkinson states to the secretary of war, the bad quality of the provisions.

In my letter of the 9th of July, I exhibited, to the secretary of war, the situation of the troops, in point of health; and in a long list of grievances, which I assign as the causes of our maladies, I speak of the "*kind and quality of our provisions;*" but this is not mentioned, as a predisposing or proximate cause of our afflictions, or the

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ultimate cause of the mortality; it is mentioned as an incidental evil, and it certainly was much to be regretted, that the troops could not have sweet flour, and prime pork and beef, such as is intended for them, by the government; nor will it be questioned, that if our medical and hospital departments, had been liberally endowed, and under the conduct, of a competent number of skilful surgeons, our sufferings and misfortunes, would have been much less; but for the want of these things, I could not be accountable.

In my letter, of the 17th of July, while accounting for the disaffection, which had been recently manifested by a part of the troops, I enumerated thirteen causes, which might have contributed to it, and, among them, I mention the want of pay, and clothing, and bad provisions; and with what avidity, are these expressions seized upon, and interpreted to my injury! But this exposition will not avail my accusers, for, by referring to the testimony of Lieutenant Knight, the paymaster, and my correspondence with him, it will be found, that although I had no rightful controul over him, I did not neglect the claims of the troops; and it will also be seen, that, at the date of this letter, the public was almost four months in arrears to some of the men; it will, moreover, appear, from my orders and sundry depositions before the court, that I afterwards offered extra clothing to the troops, who most needed it, which was refused by some companies, leaving a surplus, which was carried up to New Orleans; and the court, by this time, must, I hope, be satisfied, that I made every exertion, in my power, to remedy the kind and quality of the provisions.

General Wilkinson's letters of 19th and 27th August.

My letters of the 19th and 27th of August, relate more to the conduct of the contractors, and the scarcity of provisions, than the quality of them: I therein mention, that "the clamours of the troops had been loud and just, and I had not been able to remedy their complaints; that I had offered, as high as, an hundred dollars for a small cow, without effect; that the flour in New Orleans, had, that season, been affected by the climate immediately

after landing, but that, in consequence of the contractor's agent failing, to supply bread or flour to the troops, for two or three days, I had, the day before, ordered a purchase of 100 barrels, on any terms; and I expressed a fear, lest I should be obliged, to take the business out of his hands, and appoint a commissary to purchase and supply,"—a measure of responsibility, which you, gentlemen, well know how to estimate, and you, as well understand, how my enemies would have interpreted it; I should have been assailed by the contractor, and all his friends—by Clark and all his adherents—and by our righteous accountant; I should then have been charged, with the abuse of my power, over the contract, to order a purchase, when better provision, than that of the contractor, could not be found in the country, merely for opportunity, of fingering the public money; an enquiry might, with propriety, have been moved in Congress, and I should have been convicted, of a wanton exercise of authority, to ruin the contractor, without benefiting the troops, in the then state of the country. Nothing but the actual failure of the contractor, to supply such provision as the country afforded, could have justified my interference; and the moment this occurred, I made a purchase of 100 barrels of flour, on my own credit. But what was the effect? Were the troops profited by the purchase? No, gentlemen; you have express proofs to the contrary, from Captain Pinkney and B. B. Winn; the flour purchased was precisely of the same quality, with that I had, myself, been accustomed to draw from the contractor.

I must now, Mr. President and gentlemen of the court, recal to your attention a most interesting subject. The accountant of the war department, William Simmons, appears ever disposed, to indulge his diabolical passions, and, as far as respects myself, to support the cause of defamation, at the expense of his oath; happily for the cause of truth and justice, the infirmity of the man's head, betrays the corruption of his heart, and furnishes

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another instance of villany, betrayed by want of discernment.

Further remarks on William Simmons.

We behold him on the 12th of January last, before a committee of Congress, labouring by misrepresentation and falsehood, to obscure the truth, and to excite prejudices against me: he tells a long story, respecting the issues of provisions, at Terre aux Bœufs, intimating, that a deduction should have been made, for the quality, and censuring me, for suffering the abstracts to be made out "FOR COMPLETE RATIONS, WITHOUT ANY COMPLAINT OR REMARK, THAT ANY PART OF THEM WERE UNSOUND, UNFIT FOR USE, OR OF UNMERCHANTABLE QUALITY."—Now, a stranger to military affairs, deceived by this scandalous, wicked imposition, might be led to form conclusions injurious to me, when, in fact, it is no part of my duty to see, hear, or know, any thing of the vouchers, on which the provision abstracts are founded, until they are produced by the contractor, with his abstracts for examination and signature, supported by those vouchers, which consist of returns, signed by the commanding officers, and quarter-masters of corps; whose exclusive duty and right it is, to draw provisions, and, to make such commutations, or compromise, with the contractor, as may best suit the interests of their respective corps; but this ignorant biped, it would appear, does not know, that the ration is the property of the soldier, and not of the public, and, therefore, he introduces the jargon, about the discrimination in the quality of the provisions, on the face of the abstracts, when every military man must know, that the commanding officers, and quarter-masters, of regiments and corps, are the sole judges, of the quality of the provisions drawn.

Accountant Simmons and General Hampton.

But our *honest* accountant, not content with these slanderous misrepresentations, LUGS GENERAL HAMPTON IN TO HIS AID, OF WHOM I SHALL TAKE NOTICE PRESENTLY, and, to manifest his entire good will towards me, and his inviolable respect for the truth, he has produced "*an abstract, and has twice sworn to its truth, for*

provisions issued to the troops stationed, at Camp Terre aux Bœufs, from the " 3*d of June to the* 30*th of October,* 1809, *and passed to the credit of the contractor."* What! Mr. President and gentlemen of the court, does a man merit, who thus wantonly and impudently, sports with the sanctity of an oath, with the malicious design, to work the ruin of a fellow creature? *Perjury is stamped in the very face of the document,* which Mr. Simmons imposed on the committee of Congress, and has attempted to verify before this court.

The very name, of Terre aux Bœfs, having become odious, and being marked as the scene of my murder of the troops, it is dwelt upon with peculiar emphasis.

Words have sometimes a magical effect, and Simmons had not forgotten, the success of his account for "SEGARS AND SWEETMEATS," at New Orleans, which were all brought to my account, although furnished for the table of the commissioners.

Simmons's malicious falsehoods continued.

But, gentlemen, if you will cast your eyes over this abstract, which is now before the court, and is recorded in the Third Report of the Committee of Congress, p. 12, you will perceive, that it is for the months of *June, July, August, September,* and *October;* and yet Mr. Simmons has DELIBERATELY SWORN, that it is "FOR THE PROVISIONS ISSUED TO THE TROOPS, WHEN AT THE CAMP AT TERRE AUX BŒUFS, NEAR NEW ORLEANS." I quote his words; and that the fraud was wilful, is manifest, because it is as well known to Mr. Simmons, as it is to this court, that I broke up my camp, at Terre aux Bœufs, before the middle of September; that is to say, the troops were decamping by corps, from the 24th of August to the 14th September, when the last man left the ground; and it follows, that one-third part of the provisions, included in this abstract, were issued, *not at Terre aux Bœufs, as Mr. Simmons swears,* but after the troops left that place. If credit be given to such wretches, where is the safety to human character?

Abstract of Provisions, issued under the contract of James Morrison, dated 24th June, 1808, to the troops stationed at Camp Terre aux Bœufs, from 3d June to 31st October, 1809, and passed to the credit of said contractor, on settlement of his account, dated 26th May, 1811.

No. of Voucher.	By whom signed.	Periods.	EXTRA. Complete Rations.	Rations of Whiskey.	Rations of Meat.	Rations of Flour.	Pounds of Candles.	Pounds of Soap.	Quarts of Salt.			
155	By order of Gen. Wilkinson, N. Pinkney, cap. & br. ins.	1809 3 to 30 Jun	35,889	5,322			15					
156	W. Russell, Col. 7th regt. by order of Gen. Wilkinson	July	55,025	10,208								
157		August	53,510	4,104	95 1/5	118 3/5	81 1/2		4			
158	W. Russell, Col. 7th regt. commanding	Sept.	39,130	1,028	47 1/5	110 3/5	94 1/2	2	5			
159		Oct.	31,463	7,774	187	293 3/5	2 1/2					
			215,017		- -	- -	- -	- -	- -	Cents. at 16	- -	$34,402.72
				28,436		- -	- -	- -	- -	3 3/10	990 95	
					329 3/5		- -	- -	- -	5	16 47	
						523 1/5		- -	- -	6 3/10	32 96	
							214 1/4		- -	24	51 42	
								2		16	32	
									9	17	1 36	
												$1,012.48
												$35,415.20

The above is a true extract of the credits passed to the contractor, James Morrison, on settlement of his account, made on the 26th May, 1810. *Department of War, Accountant's office, January 10th, 1811.* W. SIMMONS, *Accountant War Department.*

Vast, indeed, has been the extent of this man's swearing, for he was at it, off and on, near two months, which compels me, Mr. President, to make painful trespasses on your patience. To do away any defect, of the instructions to the military agents, Mr. Simmons came forward, at a late hour, to swear, that "*when a contractor fails, it is the duty of the commanding officer, to draw immediately on the war department, to remedy the defect; that it would be wrong, in such cases, to apply to the military agents for funds; they had nothing to do with it.*" But you know, gentlemen, this is not the rule: for if it was, we should have had something more than his mere oath, to bear him out, which is no more to be regarded than "the idle wind." The military agents are instructed, on their discretion, "TO PROCURE AND DELIVER SUCH ARTICLES, ON THE ORDER OF THE COMMANDING OFFICER, AS HE MAY DEEM NECESSARY, TO THE HEALTH AND ACCOMMODATION OF THE TROOPS, AND ARE DIRECTED TO BE VERY PARTICULAR, IN CHARGING ALL ARTICLES TO THE PROPER HEAD OF EXPENDITURE." Surely, then, Mr. President, this officer is the legitimate agent, for all purchases and expenditures, of every genus and species. Thus we find him purchasing "EGGS, FOWLS, FOOT-MATS, PORTER, AND WINES AT FOUR OR FIVE DOLLARS A GALLON," in the market of New Orleans, for the use of the sick. These agents are intended by law, to occupy every space of monied responsibility, except that of the paymaster's department. Where, then, is the expediency or the propriety, of a commanding officer opening an account with the treasury, not provided for by law or regulation? Cases have occurred, under the pressure of necessity, where bills have been drawn, on the war department, to supply the troops with provisions, and those bills have been protested; this, I know to have been the case, with Captain, now Major, Russell. But Mr. Simmons swears, "*it would be wrong, in such cases, to apply to the military agent for funds; they have nothing to do with it;*" and, yet, he had before his eyes, the purchase of flour made by Major Pike, as military agent *pro tem.*, for

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the amount of which he, afterwards, on his own discretion, drew on the secretary of war, to discharge the claim of Mr. B. Morgan, from whom the purchase was made on my credit. Nor is it consonant to reason or justice, that a contractor should be made accountable, for the amount of the bills, drawn on the war department, to remedy his default. No! Mr. President, it is unnecessary for me to tell this court, that a contractor can be held responsible, to the government, for the articles he actually receives and receipts for only, at the price paid for them; while the drawer of the bills, whoever he may be, is answerable for the application of the sum drawn. This is not the single instance, in which the accountant betrays, his gross ignorance of the duties of his station, or of his official occupations. He has told you, "THAT IT DEPENDS ON CIRCUMSTANCES, SUBJECT TO HIS DISCRETION, WHETHER VOUCHERS BE REQUIRED, FOR THE EXPENDITURE OF PUBLIC PROPERTY; THAT IN SOME, THE PURCHASES ALONE WERE SATISFACTORY." I refer, particularly, gentlemen, to the account for forage, purchased by Colonel James Taylor, of Kentucky, a military agent. When under examination, on that subject, you must have observed, how this witness PREVARICATED, AND EVADED, AND STRUGGLED TO CONCEAL THE TRUTH; "*he believed he had seen a receipt of Colonel Russel, but none of Captain Peter,*" who had received this forage from the agent, Colonel Taylor; that they were not necessary to the settlement, of Colonel Taylor's accounts: in other words, that it was not incumbent, on a purchasing agent, after he had expended the public money, to shew, by fair and incontrovertible vouchers, what disposition he had made of the property purchased. Should this novel doctrine prevail, *which has been devised for the occasion,* I would ask, gentlemen, what security is there, for the just application of the public treasure? An agent might purchase for the public, with one hand, and with impunity, sell for his own emolument, with the other. Mr. Simmons makes frequent mention, of his official power and independence, and did the rules of his office conform to his oath, it would

Simmons states, that the necessity of vouchers, depends upon his discretion.

follow, that he is governed by his own discretion, and not by law. But the motives, which produced the evasions and falsehoods of the accountant, in this instance, are too apparent to be mistaken:—it was to aid the low attempt which he has made, to prove me a great public defaulter, and a pilferer of a few barrels of Indian corn, on which I shall, presently, have occasion to remark. CHAP. XIII.

I come, now, to notice the most painful part of the testimony, which has been offered against me, to wound and depreciate my professional character. I AM AWARE, SIR, OF THE GRAVE PENALTIES TO WHICH I EXPOSE MYSELF, WHEN I CHARGE A PEER IN ARMS, WITH CONDUCT ABHORRENT TO THE HONOUR ON AN OFFICER, AND THE LIBERALITY OF A GENTLEMAN. It is an unfeigned affliction to my breast, that the occasion should have occurred, to oblige me to expose a crime, where I would have concealed a fault; but I must vindicate my innocence, and lay bare to the world, the diversified sources of my persecutions. Reflections on the conduct of General Hampton.

It will be seen, from Brigadier-general Hampton's letter, to the secretary of war, of the 19th December, 1809, in what manner he was received by me, when he came to supercede me, in my command. This letter, and my general orders, when I surrendered my command, strongly mark, the style of my conduct, on that affecting occasion; and therefore I will here insert them.

Extracts from a letter to the Secretary of War, from Brigadier-general W. Hampton, dated NATCHEZ, DECEMBER 19TH, 1809.

"I ARRIVED AT THIS PLACE ON THE 13TH INSTANT. THE GENERAL'S RECEPTION OF ME, AND THE WHOLE TENOR OF HIS CONDUCT, PUBLIC AND PRIVATE, AS RELATING TO ME, AND MY COMMAND, HAS BEEN SUCH, AS IN MY OPINION, DOES EQUAL CREDIT BOTH TO HIS HEAD AND HEART.

"IN SUPERCEDING AN OFFICER, SO MUCH MY SUPERIOR IN RANK AND EXPERIENCE, IT IS IMPOSSIBLE General Hampton's opi-

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nion of General Wilkinson's reception of him.

THAT THE SENSATIONS OF DELICACY SHOULD NOT HAVE ARISEN: MY OWN COURSE HAS BEEN AS MUCH AS POSSIBLE TO DISPEL THEM, AND IN THIS, I HAVE BEEN CORDIALLY MET AND OUT-DONE BY THE GENERAL.

"IN THIS SPIRIT OF CORDIALITY, AND I AM SURE I MIGHT ADD PATRIOTISM, ON THE PART OF THE GENERAL, HE HAS COMMUNICATED WITH MUCH FRANKNESS, HIS IDEAS UPON ALL THE IMPORTANT POINTS OF MY COMMAND. AT THE SAME TIME, ALL HIS MAPS, CHARTS, AND SKETCHES, WITH THE MOST UNRESERVED EXPLANATIONS OF THEM, HAVE LIKEWISE BEEN PLACED IN MY POSSESSION."

"GENERAL ORDERS.

"*Head Quarters, Natchez, Dec. 17th,* 1809.

"The troops will be under arms at noon to-morrow, to receive, and be introduced to Brigadier-general Hampton.

"The corps will fall in, according to seniority, and close near the centre, allowing very narrow intervals: The music equally divided to the flanks: The troops at open order and dressed with precision. The battery on the right loaded, and with lighted matches. When the Generals appear, the battery will be opened and fire a national salute.

"The Generals will approach the centre of the line, and when at fifty paces, the troops will present arms, by word from the commanding officer, and the music will beat, when the Generals march to the right and return to the left, the music will cease, and the troops come to the right about. The Generals will turn the left flank, pass up the rear, turn the right flank, and take post opposite the centre. The troops will resume their front and close ranks—the line break into columns by platoons on the right, wheel and pass the Generals in common time—resume their ground, and form the line. The general order will then be read, after which, the officers

will be called to the centre and introduced;—they will then resume their stations;—the battery will fire another salute and the parade will be dismissed."

"GENERAL ORDERS.

"*Head Quarters, Cantonment, Dec. 18th,* 1809.

"The President having thought proper to require the presence of the General, at the seat of government, and to confer the command of the troops and posts, within this territory, and that of Orleans, on Brigadier-general Hampton, he is to be respected and obeyed accordingly.

"In taking leave of the army, of his command, the General would deny his feelings, and forget his duty, if he failed to acknowledge the worth which composes it. The companion of their afflictions, and a spectator of the ravages they have experienced, more terrible than those of the sword, he has participated in their sufferings, has mingled in their sorrows, and bears testimony to their fortitude, which is the best guarantee for their good conduct, in circumstances more congenial to the pride, spirit, and ambition of a soldier, should they ever occur.

"In reviewing the past, and contemplating the future, the desire to share the destinies of this corps was a natural one; but the national executive has determined otherwise, and the pain inseparable from the occasion, is sensibly alleviated by the reflection, that the command has been assigned, to an approved officer, of experience, and capacity: who knows how to make, the most of the means confided to him; and whilst he distinguishes merit, will enforce duty, and administer justice, with an equal hand.

"The General has nought to offer, to his brethren in arms, but his wishes and his prayers, for their fame and happiness, and these will accompany them, through every scene of life.

"He leaves them with a single request—persevere in that harmony, which is without example, in a corps of

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equal strength, under similar trials, and be ready at an instant's notice, to devote your lives to the cause of your country."

The feelings which actuated General Wilkinson, in giving up the command to General Hampton.

Of all the scenes of my variegated life, this was the most painful and the most humiliating; Heaven can bear me witness, how much more welcome, would have been the stroke of death; yet I discharged my duty, in the manner the most agreeable to my own nature, and which I believed would be most acceptable to my successor. The invidious spirit of unmanly rivalry, was a stranger to my breast, and I hope I shall not be charged with arrogance, when I say, it was impossible I could be jealous of an inferior, not only in rank, but in every attribute, of the gentleman and the officer: I therefore opened to him, without a reserve, all the information I possessed, the result of more than twenty years research. This, I believed necessary to the salutary exercise of his command, and, in making the transference, I enjoyed the double satisfaction, of serving a subordinate, for whom I had formed an esteem, and, at the same time, promoting the public service. In justice to my character, as a patriot and a soldier, and for the information of those, who may be deemed more worthy of trust, I shall read the instructions which I gave Brigadier-general Hampton, as a part of this defence; and I would, I could add, that he had not treated my local arrangements, and my personal recommendations, with indecorous contempt and marked contumely, while he concealed from me, contrary to his obligations of duty and honour, the letter from the secretary of war, of the 7th of November, 1809, which contains the following paragraph. "IN THE UNCERTAINTY OF GENERAL WILKINSON HAVING LEFT THE CANTONMENT, WHEN MY LETTERS MAY ARRIVE, AND IN THE CERTAINTY OF THEIR FINDING YOU IN THE CAMP, THEY ARE ADDRESSED TO YOU; SHOULD GENERAL W. BE PRESENT, HE WILL CONSIDER THEM AS ADDRESSED TO HIM, AND RECEIVE THIS EXPLANATION."

General Hampton's concealment of the secretary of war's letter of the 7th Nov. 1809.

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Harmony of the army at the time General Wilkinson resigned the command.

At this period, neither local prejudices, nor adverse habits, nor individual hardships, had generated the embryo of personal faction in the corps; harmony and fraternal respect, marked the intercourse of the officers; they appeared to make a common stock, of their privations, and sufferings, and, with honest cheer, mingled their consolations and comforts. That I left the detachment, at the cantonment, near Washington, in this temper, let my valedictory order, of the 19th December, attest; and if my impressions at the moment, be unworthy consideration, the deposition of Captain Ragan, is conclusive, as to the professional, and personal feelings of the officers. He has informed you, gentlemen, that, a day or two, after I placed General Hampton in command, "the officers of the cantonment, agreed to give me a public dinner, as a demonstration of their friendship, and approbation of my conduct; that he carried about a subscription paper, which was signed by all the officers except two or three; a meeting was held, and a committee of arrangement appointed, but why the dinner was not given, he could never learn." The subscription paper is attached to his deposition, and from it I record the following names, several of whom, since my absence, have become the distinguished protegées, of General Hampton, and, to the destruction of the fundamental principles of subordination, my vociferous slanderers.

John M. Daniel	L. Huckill
Jno. Ragan	Cad. Jones
Smith Cutler	J. Hindman
Thos. Pinkerton	S. M. Lee
D. Claude	J. Bankhead
J. Darrington	H. Saunders
A. Morgan	D. Denham
Elijah Strong	R. Beall
Carey Nicholas	J. Dorman
U. Blue	Geo. Gibson
Electus Backus	R. Whartenby
Alex. Lyle	Washington Lee

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Alex. Cummings	N. Long
E. Dillard	J. Gibson
W. F. Henshaw	H. V. Milton
Samuel Vail	Duncan L. Clinch
N. Bronten	Wm. Upshaw
R. Nicholas	—— Hays
B. Branch, jr.	James Johnston
M. Houston	H. Chotard
A. Atkinson	Dill Armour
—— Green	Stephen Rose.
W. Russell	

It will be noted, that of the two or three discontents, referred to by Captain Ragan, CAPTAIN SCOTT, OF THE ARTILLERY, was one, who has since been disgraced by a general court martial, and LIEUTENANT HAMILTON, another, a beardless youth, who, it is notorious to the whole army, was cherished by me, as sedulously as if he had been my own son, because I discovered in him, genius and capacity, and believed he might be made a useful officer. His merits have been discovered, by Brigadier-general Hampton also, who has selected him as his aid-de-camp; I will not say by way of reward for his ingratitude to me, and for his traduction of my character, in which he has been loud and indecent.

The harmony of the army abates, under General Hampton's command.

It appears that the harmony, in which I parted with the corps, did not last long, and I feel too much for the honour of the profession, to expose the scenes which have since ensued. It is proved, by Captain Pinkney, that the most friendly intercourse, subsisted between my successor and myself, to the last day of my continuance at Natchez; we parted in apparent friendship, and I felt a warm heart for him, until I discovered, in the proceedings of the committee of Congress, in 1810, the deposition of Captain Darrington, whose letter, of February 4th, 1810, apprized me he was about to leave the cantonment, for the city of Washington, under the orders of Brigadier-general Hampton. This letter is in the following words:

"Dear Sir,

"By order of General Hampton, I shall set out in a day or two, for Washington City, on business relative to the army. If to that city, you have any commands, it would afford me pleasure to attend to them.

"Yours,

"J. DARRINGTON.

"*Washington, Mississippi Territory, Feb.* 4th, 1810.

"*His Excellency General Wilkinson.*"

Captain Darrington's conduct referred to.

When I read the deposition* of this man, replete with rancorous prejudice, and the most scandalous falsehoods, all directed to my dishonour, I was shocked beyond conception; because it is known, to the whole corps, that I considered him a man of worth, and an officer respectable in his grade. I took the first occasion, to enquire of the secretary of war, "*on what public business, Captain Darrington had been sent to him?*" He answered me expressly, "*None;*† *I considered him and Backus as mere passengers; but Darrington informed me, it was his intention to promote an enquiry, into the causes of the mortality, among the troops,* if Congress had not taken the matter up." The intrigue instantly flashed on my mind; I enquired at the accountant's office, and found Darrington had been paid the travelling expenses of his journey; and I, then, for the first time, suspected that General Hampton had volunteered his aid, in maintenance of the popular indignation, which had been so artfully excited against me, by Clark and his associates, and was so pertinaciously cherished, by a portion of my fellow-citizens, whose stations and intelligence, authorised the expectation of different conduct; for as Captain Darrington had been ordered to Washington, by the General, ON BUSINESS RELATIVE TO THE ARMY, and had none with the war

General Wilkinson for the first time suspects General Hampton of being his enemy.

* See Second Report Committee of Congress, Mr. Newton chairman, page 69.

† I made a note of this conversation at the time, and give it verbatim.

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department, it followed, that it must have been on the subject of the enquiry, which, he indicated to the secretary of war, it was his design, to have caused to be moved in Congress.

It may, Mr. President, have been a subject of remark with the court, that, in examining the testimony on this branch of the enquiry, I have never introduced the name of this witness. I have had two motives for this reserve; the first, that he has been detected by Colonel Milton, and many other officers, in the most flagrant perjuries; and the second, that I felt a strong repugnance to call your attention to a man, who has disgraced his cloth and stands outlawed in honour.

But, gentlemen, if I was shocked at the turpitude of Darrington, what must have been my horror, when I found, in the proceedings of the last committee of Congress, who enquired into the causes of the mortality, among the troops, on the Mississippi, in 1809, the following letter, from Brigadier-general Hampton, to the secretary of war.

"*Head Quarters, near Washington, M. T.*
"*21st February*, 1810.

[Private.]

"Dear Sir,

"The condition of the troops of this cantonment, has vastly improved within the present month. A good many remain on the sick list, but they are mostly in a state of convalescence. The soldiers are all completely hutted, and have comfortable bunks to sleep in. The hospital department has undergone a reform, greatly to the comfort of the sick, and to the diminution of expense. The contractor, relying upon his Kentucky supplies of salted provisions, failed to furnish the fresh beef required for the troops, saying it was not to be procured.

"He had no idea the evil could be remedied by ourselves; but the result proved his mistake, and has greatly benefitted the army. The brigade quarter-master was directed to procure an immediate supply from the fat

oxen in the neighbourhood, whilst a party with an active officer, was sent to the Indian boundary, who bought an abundant supply of fine beef cattle.

"Contracts (conditional) were entered into at Natchez, for an ample supply of flour, and in a few days the contractor had the mortification of seeing the army independent of him. He took the alarm, agreed to pay all advances, and to meet the requisitions in future with punctuality. For commuting the retained rations of the general hospital, he had hitherto wrung from that department twenty-five per cent. for advancing the cash every month; he was required to abandon this imposition, and to advance the cash for the due-bills at par, as the price of a compromise.

"This fund is now more than equal to every supply of that department, under the head of *provisions*, and to afford the best. The contractor has witnessed the exertion of resources, which he had no idea had an existence in the army. The lesson has produced the most salutary effects, and has not cost the government a cent. In future, all will go on as it should do in that quarter."

Reflections on the foregoing letter.

This letter, under the mask of privacy, was obviously intended to enhance the merits of the writer, at the expense of his predecessor and superior in rank; for it was unnecessary, thus to blazon the salutary effects of the intelligence, zeal, and decision, of the writer, unless to contrast his vigilance, and exertion, with the inattention, indolence, and incapacity, of his predecessor; but, in this unmanly artifice, to elevate himself on my depression, has General Hampton paid respect to the sacred obligations of truth? Let the testimony of honourable men decide.

The letter sets forth "the soldiers are all completely hutted, and have comfortable bunks to sleep in;" yet one whole corps, the light artillery, it appears, from the evidence of Captains Taylor and Wallace, were, at the time of writing this letter, in their tents. "The hospital department (says the General) has undergone a reform

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General Hampton's statement contradicted by the evidence, of Captains Taylor, Wallace, and Doctor Daniel.

greatly to the comfort of the sick and to the diminution of expense." But what says Doctor Daniel, the chief surgeon of the hospital department? Being asked what reform was made in the department, after General Hampton's arrival, anterior to the 21st February, 1810, he answered, "I know of none; if by the term reform is meant the correction of abuses, in the interior arrangement of the department." The assertions contained in the second paragraph of the letter, are flatly contradicted by Captain Taylor, who acted as quarter-master to the 7th regiment, and testifies, that no beef was issued to the troops, from about the 20th of February to the 1st of March, and this appears to be corroborated by a general order of the latter date, in the following words:

"GENERAL ORDERS.

"No more provisions of any kind will be received from the contractor.

"By order.

"M. HOUSTON,

"*March 1st*, 1810." "*Brigade Inspector.*

Now if there had been "an abundant supply of fine beef cattle," there could have been no necessity for this order. But what says Doctor Daniel? In answer to the 6th interrogatory, he declares: "It is not my opinion, that an abundant supply of fine beef cattle, was purchased near the Indian boundary, and brought to the camp near Washington, anterior to the 21st of February, and I drew none for the hospital, which I could pronounce of a fine quality, and I endeavoured to get the best which could be had for the sick." The letter continues: "*For commuting the retained rations of the general hospital, he* (the contractor) *had hitherto wrung from that department, 25 per cent. for advancing the cash every month; he was required to abandon this imposition, and to advance the cash for the due bills at par, as the price of a compromise.*" But, Doctor Daniel, to the 5th, 6th, and 7th in-

terrogatories, put to him, answers before this court, that "no retained rations of the hospital were commuted with the contractor, at any discount, during the command of General Wilkinson; that finding his requisitions to the brigade quarter-master, for provisions and refreshments, for the sick, not regularly supplied, their wants induced him to propose, a commutation with the contractor, for cash at a discount of 25 per cent.; that the contractor was unwilling to indulge this request, and actually resisted his proposition, until the third application; that he was present at a conversation, between General Hampton and Mr. Brownson, (the contractor's agent,) about the 16th February, 1810, when the General charged the agent, with jewing the officers and hospital department, by asking a discount of 25 per cent. on the commutation of the retained ration for cash: some conversation ensued; the General insisted it was too great; and while he appeared calculating, what was a fair discount, the agent, to prove he had no disposition to jew the sick, voluntarily proposed to commute the ration at par, but nothing *was said about a compromise.*" On the subject of the flour, Major Morrison deposes, that a supply of 204 barrels reached Natchez the 26th of December, 1809; 199 barrels on the 8th of January, 1810; and 400 barrels on the 24th of the same month, making 803 barrels of fresh flour, all received, near a month, before these wonderful exertions, of Brigadier-general Hampton, were displayed. These testimonies tend to falsify this letter, in its cardinal points; but I will add another, in the deposition of Major John Brownson, the agent of the contractor, a man whose character is without blemish, to strip naked the detestable fabrication, and expose it to you, gentlemen, in all its deformity.

Extract from the deposition of Major John Brownson.

"*Question 8th.—On General Hampton's taking command of the troops, was an immediate and an abundant supply of fine beef cattle provided by the brigade quarter-master, and*

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General Hampton's statement further exposed by Major John Brownson's deposition.

other officers under General Hampton's orders? Be particular, if you please, to time and circumstance.

"*Answer.*—On the 14th of February, the brigade quarter-master purchased two beeves, and the 16th, 757 pounds; on the 24th, I received nine head of cattle, weighing 3,471¾ pounds, from the Indian boundary, which had been contracted for by Lieutenant Burnet; this was all the beef purchased for the use of the troops, under General Hampton's order, by any officer.

"*Question 9th.*—Were conditional contracts entered into, at Natchez, for an ample supply of flour; and in a few days, *had the contractor the mortification of seeing the army independent of him; did the contractor take the alarm, and agree to pay all advances, and to meet the requisitions in future with punctuality?* Be pleased to be minute in your statements, in answer to this interrogatory, as to date, manner and all circumstances; and if any correspondence attended the transactions, be pleased to furnish a copy.

"*Answer.*—I knew of no contract for flour, at Natchez, by order of General Hampton, either conditional, or unconditional. The contractor could not know any thing of the transactions, until some time after, OF COURSE COULD NOT FEEL MORTIFICATION OR ALARM; NOR DID I, AS HIS AGENT, *having, as I had, an ample supply of provisions on hand, of good quality, and such as in my opinion was called for by the contract,* which does not require the delivery of beef, but fresh or salt meat, of which I had a sufficient quantity, in salted pork and well fed live hogs, at the time the beef was ordered. I did agree to receive the beef purchased by Mr. Burnet, and pay the expenses, believing the expense would be but small.

"*Question 10th.—Did the contractor, for commuting the retained rations of the general hospital, wring from that department 25 per cent. for advancing the cash every month,* and did such practice ever prevail? Be pleased to say *when,* and *where,* and under *whose command?* Was the contractor *required to abandon this imposition by General Hampton, or his order, and to advance the cash for due bills*

at par, as the price of a compromise, and what was that compromise?

"*Answer.*—No money was paid for retained rations, in the hospital department, that I know of, before the 27th January, 1810, when I deducted twenty-five per cent, as a compensation to the contractor for laying out of his money, and for extra expense and trouble. Doctor Daniel (who was hospital surgeon at the time), made the arrangement with me and was present when I agreed to pay the whole amount. I know of no compromise except the one alluded to above.

"*Question 11th.—Did the contractor, or his agent, witness the exertion of resources, which he had no idea had an existence in the army; and did the lesson produce the most salutary effects, without costing the government a cent?—What were these exertions of resources, by whom were they made, and what were the salutary effects produced by them?*

"*Answer.*—They did not, except that of which the paper, marked G,* is a copy; the lesson produced no salutary effects that I know of.

"*Question 13th.—Did you, in any instance of General Wilkinson's conduct, in command, discover a disposition to neglect his duty, and to spare the contractor at the expense of the troops or the public? Was not his conduct the reverse; and did he not exact whatever the law allowed, and the good faith of the public would permit?*

"*Answer.—I never knew General Wilkinson to spare the contractor, at the expense of the United States or the troops;* ON THE CONTRARY, HE EXACTED WHATEVER THE LAW ALLOWED, AND I SOMETIMES THOUGHT MORE."

* Paper marked G, above referred to.

"GENERAL ORDERS.

"No more provisions of any kind will be received from the contractor.

"By order.

"M. HOUSTON, *Brigade Inspector.*

"*March 1st*, 1810.

CHAPTER XIV.

INTRODUCTION TO DEFENCE ON 8TH CHARGE AND SPECIFICATIONS.—SPECIFICATION 1ST, *assumes a different shape to that first intended.—Prisoner called upon, in the absence of affirmative evidence, to prove a negative.—Evidence of Captain Peter and Mr. Calhoun, and its effects.—The existence of the right to* transport, *deduced from legal interpretation of statute.—Transport no perquisite, but a customary allowance to a moving army.—Amount of pay allowed to General Wilkinson, a fair commutation* for travelling expenses, &c.;—not so with regard to transport.—*Simmons's letter, recommending the disallowance of General Wilkinson's rations, transport, &c.—Letter of the Secretary of War to the Comptroller, in support of General Wilkinson's claims.—The subject referred to the attorney general, who gives an opinion in favour of General Wilkinson.—In February,* 1808, *General Wilkinson receives the first intimation, that his accounts were to be disputed.—General Wilkinson appeals to the Secretary of War.—Erroneous construction of a statute, no crime.—Proof of criminal intention, necessary to the support of a criminal charge.—The punishment of cashiering, as applied to the offence of misconstruing a statute considered.—The malignity of preferring a criminal charge, against a person claiming, or exercising, a supposed right.*—SECOND SPECIFICATION *considered.—Evidence of Captain G. Peter, and others.—Expense saved to the public, by purchase of forage in Kentucky.—General Wilkinson's letters to Captain Peter, and Colonel Taylor's letters to General Wilkinson.—His motive for ordering the purchase of horses explained.—The evidence of Colonel Beall and Colonel Smyth on this subject.—General Wilkinson shews he was allowed transport on all occasions, without objection of any kind, till* 1809.—*Motives*

for delay, in preferring charges against General Wilkinson.—He accounts for the corn received from the military agent.—SPECIFICATION 3D.—*The palpable, and gross falsehoods of accountant Simmons, repeated.—General Wilkinson refutes the charge, of prodigality of public money.—Shews a saving to government made by him, in one instance, of* $150,000.—*In another* $20,000, *and a delay of six months avoided, by conducting a brig, from New York, up the Mississippi.—His successful treaty with the Choctaw Indians.—Expenses of the commission, for taking possession of Louisiana.—Governor Claiborne, first commissioner, but the whole odium of the expense unjustly thrown upon General Wilkinson.—Expenses of a regiment of Tennessee volunteers, 500 strong, on a march to Natchez and back, contrasted with the whole expense of taking possession of Louisiana.—Difference between accountant Simmons's every day, and official, report of the sum due by General Wilkinson to the public.—Conclusion.*

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Introduction to defence on eighth charge.

AND now, Mr. President and gentlemen of the court, after wading through so many currents of slander, I have reached the foul, fetid, stagnant pool of defamation, poisoned by the hand of the accountant Simmons. I allude to the EIGHTH CHARGE, conceived in the following words: "*Misapplication and waste of public money and supplies.*"

The first *specification under this charge, sets forth: "In that the said General Wilkinson, in May,* 1805, *ordered the assistant military agent at Pittsburg, to pay the transportation of his private property from Baltimore, out of the public money, and place the same, to the account of transportation for military service.*"

The second *specification attributes to me, the—"Halting a detachment of the army at Louisville, Kentucky, in February,* 1809, *consisting of several companies; which detachment was descending the Ohio, in transports; and in then and there detaining, said detachment to take on board ten horses, the private property of said General Wilkinson, which horses were transported in public boats to New Or-*

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leans by his order, and were fed at public expense for several months."

The third *specification imputes to me, the "authorising certificates to be annexed to the provision abstracts of the army contractor, to enable the contractor to receive from government the full price of good and wholesome provisions, when it is well known to the said General Wilkinson, that a great portion of the provisions comprised in those abstracts, so passed in the summer and autumn of* 1809, *were unmerchantable and unfit for use."*

Specification 1st, assumes a shape different from that first intended.

When this accusation was originally brought against me, the first specification was intended to wear a very different shape, from that it has assumed. The transaction, on which it is founded, took place, in May, 1805; and it was not until, April, 1810, nearly five years after, that, on landing at Baltimore from the Mississippi, I understood, it had been imputed to me as a high crime, meriting severe and disgraceful punishment. The offence was, indeed, grown in size in proportion to its age; and what in 1805, was well known to be an undisguised order to a military agent, to pay for the transport of my baggage, according to ancient, established, and immemorial usage, was represented and believed, in 1810, (at a time when no calumny against me was too gross to gain credit) to be a base and fraudulent attempt, on my part, to impose on the public, the expense of transporting a quantity of merchandise, intended for sale in the western country.

But, gentlemen, listen to the fact.—The late Captain M'Clellan (of the army) had purchased goods in Baltimore, in the hope of being able to advance his fortune by their sale, on the western waters; and because his private property was conveyed to Pittsburg, about the time that my baggage was transported there, I was, after his death, accused of having a joint interest in his merchandise, and of seeking to advance our profits, by throwing on the public the expense of transportation; although during the life of Captain M'Clellan, when I could have had the benefit of his testimony, no imputation of this

kind was made. When the whirlwind of passion, excited by my enemies, in 1810, had so far subsided, as to allow my testimony to be heard, the utter falsehood of this imputation was easily exposed. Notwithstanding, in my case, all the rules of evidence have been superceded, and suspicion, alone, has been considered sufficient to blast my honest fame, unless I was able to evince my innocence. My accusers have not been required to prove my guilt; but I have been expected to prove that I was not guilty, whenever my enemies have thought proper to accuse me. The testimony of Captain Peter,* my avowed enemy, shews I had no interest in Captain M'Clellan's goods; and that respectable merchant, Mr. Calhoun,† of Baltimore, from whom he procured them, put an end to all further suspicion on the subject, by proving that Captain M'Clellan had himself paid, the wagoners to Pittsburgh, and the pilot of the boat, which conveyed his property; and this foul imputation was put to sleep.

Testimony of Captain Peter and Mr. Calhoun.

Effects of the foregoing evidence.

Now, my accuser, perceiving that no fraudulent design could, after this evidence, attach to my conduct, he has given a new aspect to the specification: I am denied the right of transport; and my order in the case, is worked into a criminal misapplication of the public money:—to which I must reply, in brief, 1st, That I am by law entitled to the allowance; and, 2dly, If the court should differ from me, in the construction of the law, yet the fact does not authorise, a criminal charge against me.

General Wilkinson's right to transport, deduced from legal construction of the statute.

The question as to my right to transport, arises under the 4th section of the act of Congress, fixing the military peace establishment of the United States, passed in 1802. While reasoning on the construction of this law, whenever I shall speak of the intention of the legislature, it must be distinctly understood, that I speak of it, as it appears from the words of the law itself, and the subject

* See Appendix, No. LXVII.—Third Report Committee of Congress, Mr. Bacon chairman, page 505.

† See Appendix, No. CXVI.—Third Report Committee of Congress Mr. Bacon chairman, page 531.

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matter about which it was enacted. This is the rule, by which the meaning of statutes are always ascertained, in courts of judicature, and for the correctness of the position, I confidently appeal to the law officer of this court. I disclaim the design of deducing my construction from any other source, because no other could be judicially noticed by this court. The part of the law, relative to this subject, is as follows: "That the monthly pay of the officers, non-commissioned officers, musicians and privates, be as follows, to wit: to the brigadier-general two hundred and twenty-five dollars, which shall be full and entire compensation, without a right to demand or receive any rations, forage, travelling expenses, or other perquisite, or emolument whatsoever, except such stationary as may be requisite, for the use of his department." The usual and ordinary claims, for which my pay, thenceforth, was to be a full and entire compensation, are, I conceive, particularly designated in the law; but if the right to transportation, is not specifically forbidden in this clause, then it certainly is not taken away, by this act of Congress. A certain sum of money is given to the brigadier-general, above the ordinary pay of an officer of his rank; the increase to his pay is in lieu of certain rights, before that time attached to his office; in other words, certain privileges, to which he was before entitled, are commuted into money; the privileges so commuted into money, he certainly is no longer entitled to claim, the addition to his pay being, in the language of the law, "full and entire compensation;" but the privileges, not so commuted by the legislature, remain as they did before. In the case before the court, the privileges, for which the additional pay is given, are particularly designated, and he is not permitted to demand or receive, "*any rations, forage, travelling expenses, or other perquisite, or emolument whatsoever,*" except stationary. It is respectfully submitted, to the judgment of the court, whether the right of transport, comes within any of those descriptions, which he is thus forbidden, to demand or receive, and for which, alone, the additional pay can there-

Statute quoted.

Transport not forbidden by the statute, therefore not taken away.

fore be considered, as a commutation and compensation. The right to transport, is certainly not within the two first, rations and forage; neither is it within the third; for travelling expenses, are well understood and defined, in military service, and mean nothing more than a certain sum, given for personal expenses, in proportion to the length of the journey, and mode of travelling; and before the passing of this act of Congress, it is well known to the court, that the right both to transport and to travelling expenses, when ordered on public service, was possessed by the commander in chief, and that those rights were distinct and separate. The latter is only taken away by name in the law.

Transport and travelling expenses, distinct allowances, the latter only taken away by the law.

Neither, is it conceived, that the right to transport, can be considered a perquisite. A perquisite is defined to be, something conferred by an office, over and above its settled salary. Compensation for transport is nothing gained; it is no more than a reimbursement, for an actual expenditure. It is no addition to his settled pay; for if the expense is not incurred, the officer can claim nothing on that account. He gains nothing over and above his settled wages, in the language of the definition. Is it then an emolument? An emolument is a profit or advantage, arising from the office held. The settled pay is itself an emolument. This word seems to be used in the law, as synonimous to perquisite. But the right to transport, cannot be considered as an emolument. It is no profit or advantage, to the officer, arising from the office; it is only to indemnify him against loss, a mere contingent allowance. If he remains stationary, as might well happen, he receives nothing, because there is no transport; and if he is ordered to move, his right to transport is no emolument to him. He gains nothing by it. He receives his actual expenditure, if the government does not provide the transport. He receives nothing more. And so sensible were the legislature, that the reimbursement of expenses, not necessarily attached to the office, but arising from the execution of extraordinary orders, were not to be considered as a perquisite or

Transport, no perquisite.

Transport not allowed, when an army is stationary.

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emolument, that they thought it necessary, to deny me "TRAVELLING EXPENSES" by name, and did not consider them as embraced, in the words perquisite or emolument, or that those words alone, would be sufficient, to exclude me from travelling expenses. If they had, also, intended to deny me the right of transport, they would surely have been equally explicit, since the claim to transport, was as well known, and as regularly allowed, as the claim to travelling expenses.

The sum to which my pay is limited, confirms the construction, for which I am contending, and evinces, that, in fixing my compensation, the scale of estimation was nothing more, than my ordinary pay, ordinary rations, forage, and a reasonable allowance for travelling expenses.

Ordinary pay, rations, and forage, allowed an officer, of General Wilkinson's rank. And his fixed pay.

The ordinary pay, rations, and forage, of an officer of my rank, would amount to $2,328 a year. In lieu of rations, forage, *travelling expenses*, and the ordinary pay, my salary is fixed at $2,700, leaving the sum for travelling expenses $372, which sum might be considered, as a fair average of the allowance, to which I should have been entitled, for these expenses, taking one year with another; but would certainly have been a most inequitable, and inadequate commutation, for both travelling expenses and transport. Indeed, my transport alone, in active service, might, in some situations, have imposed upon me an expense, equal to the whole amount of my compensation, if, I had been obliged to furnish it; and from the extreme uncertainty of this item of expense, depending altogether on the nature of the duties, assigned to me by my government—being nothing when stationary, and enormous when compelled to make, rapid and distant movements. Congress may well have thought it impossible, to adopt any regular scale of commutation, which would be consonant to the principles of justice; and therefore left it as it before stood. For it is contrary to those principles, of liberality and fairness, which we have always a right, to expect from our country, in return for our privations and hardships, in military life,

The probable motives of Congress, in leaving transport upon its old footing.

so to construe the law, as to make the legislature fix the annual compensation, for both travelling expenses and transport, at the paltry sum of $372;—a sum frequently far below, the unavoidable expenditure for transport alone, on a single operation; and entirely unequal to the expenses, inseparable from the marches, and countermarches, of a whole campaign. Travelling expenses, stand on different grounds from transport, and might well be a subject of commutation; because, the personal expenses incurred in travelling, are not altogether *additional*. The expenses on a journey, are presumed to be greater than when stationary, and it is only in compensation, for the supposed increase, that the allowance of mileage is made. As that increase cannot amount to a very large sum, in the performance of military duty, it was a fair subject of commutation, and, perhaps, the above sum is near enough for a reasonable average.

A different construction would place a commander in chief as to pay, and allowances, below his subordinates in rank.

If a different construction is adopted, it will produce the singular spectacle, of a commander in chief being placed, as to pay, below his subordinates, and juniors in rank; a case without a parallel, in any military service in the world. The other Brigadiers, in the American army, when on command, are always allowed, by the President, double rations, and I understand that General Hampton has uniformly received them, since he superceded me in command. This allowance, altogether with his pay and forage, amounts to the sum of $3204 a year, being $504, more than the pay of his superior officer. In addition to this, he is also entitled, to travelling expenses, transport, quarters, tents, and fuel, which would make the excess of his nett income, over that of his superior and commander, many hundred dollars more, than the sum above stated. It cannot have been intended, thus to outrage all the principles of ordinary justice, and military service, and to introduce into the American army an odious novelty! a monstrous inconsistency! by diminishing, instead of increasing, the income of the officer, in proportion to his rank and trust. These circumstances, strongly confirm the construction, I am contending for;

The monstrous anamoly, of diminishing an officer's income, as he increases in reprobated rank.

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they shew, that the additional pay given to me, was only a commutation for my forage, ordinary rations, and travelling expenses; and that nothing was taken from me, except the emoluments which I am expressly forbidden, to demand or receive; those allowances, and those alone, being commuted into money; this construction would be consonant to justice, and consistent with the long established, and uniform rules of service, and would leave me, as to *additional* rations, quarters, tents, fuel, and transport, on the same footing with other officers of my rank.

These privileges and appendages of my office, are not commuted into money. My salary therefore, cannot be considered, as a full and entire compensation for them. The right to demand, or receive them, is not taken away by name, and it would be a most unreasonable construction of the law, to say they were intended to be taken away, when, it is obvious, they were not estimated, in the scale of my commutation, by which my pay was established; and if taken away, would reduce the emoluments of my commission, so far below those of my inferiors, in rank and command.

If the construction, and the principles for which I am contending, be erroneous, I have at least the consolation of knowing, that my error has been sanctioned, by the highest authority of the government. In the year 1809, my claim for quarters, and treble rations, was rejected by the accountant, of the war department, on the very same ground which is now taken, in opposition to my right to transport; that is, that the pay given in the law, of 1802, was a full and entire compensation for every thing. In his letter, on that subject, to the comptroller, dated January 19th, 1809, he says, "the item for quarters, stables, &c. while at New Orleans, in my opinion, is also prohibited, by the 4th section of the act first mentioned, (the act of 1802) and in conformity with this opinion, held by me, ever since the passing of this act, I have uniformly charged, to the personal account of General Wilkinson, all sums paid by agents of this depart-

Simmons's letter to the comptroller of the 19th Jan. 1809.

ment, for fuel, forage, transportation, &c. for his use, and, at this time, his personal account stands charged, with a considerable amount, composed of such items."* General Dearborn, the secretary of war, differed in opinion, from the accountant, and maintained the same principles, for which I am now contending, as appears by the following letter:

"*War Department, January 6th*, 1809.

"Sir,

The secretary of war's letter to the comptroller, on the subject of General Wilkinson's allowances.

"Having understood that the accountant of this department, has doubted the legality of an allowance, I had, with the approbation of the President of the United States, directed to be made to General Wilkinson, as commanding officer, at New Orleans, and its dependencies, I take the liberty of stating the facts, and the authority under which the allowance was made.

"Under the 5th section of the act, fixing the military peace establishment, passed March 16th, 1802, the President is authorised to allow the commanding officers of posts, such additional number of rations, as he may think proper to direct.

"The commanding officer at New Orleans, has been allowed treble the ordinary number of rations, for an officer of his rank, with quarters, &c. and it has been agreed, that General Wilkinson should be allowed, an addition of, treble the ordinary number of rations, allowed to a Brigadier-general, together with an allowance for quarters. In the compensation, General Wilkinson receives by law, as Brigadier-general, the usual rations are estimated. But, it is presumed that, this cannot bar him, from an extra allowance, under circumstances, which in the opinion of the President of the United States, would entitle any other officer, to an extra allowance of rations.

"This allowance to him for quarters, at the expense of the United States, is nothing more than what is grant-

* See Appendix, No. CVII.

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ed to all other officers, according to their respective grades, although there never has been any law, for furnishing officers or soldiers with quarters, any more than for tents or fuel; but universal usage, and the necessity of the case, have long since sanctioned the practice. I shall not consider it expedient, to give any other reasons on this subject, to the accountant, than those already given; but have thought it my duty, to make this statement to you, to aid in any opinion you may please to give.

"I am very respectfully,

"Your obedient servant,

(Signed) "HENRY DEARBORN.*

"*To the Comptroller of the Treasury.*"

The subject was referred to the attorney-general, the law officer of the government, whose opinion was in my favour; and upon his opinion, with the sanction of the President, the comptroller acted; and ordered my claim to be allowed. In stating the grounds, upon which his opinion was formed, relative to the subject, which was submitted to his consideration, the attorney-general will be found to have adopted, the same rule of construction, and the same principles on which I have insisted. His words are:

Opinion of the attorney-general.

"*Though in relation to other commissioned officers, this section provides only for their pay, yet in the case of the Brigadier-general, it fixes a certain sum, as his full and entire compensation for pay, rations, forage, travelling expenses, and any other perquisite or emolument, to which, by virtue of his office, and his capacity as Brigadier-general, he may be entitled. The terms, perquisite and emolument, are well understood. A perquisite means something, gained by a place or office, over and above its settled*

* See Report Committee of Congress, John Randolph chairman, page 7.

wages. An emolument, is any advantage or profit, arising from the particular office held.

"The scale assumed by Congress, when they fixed the monthly pay, of the Brigadier-general, at two hundred and twenty-five dollars, as a full and entire compensation, included no doubt, a just estimate of the usual allowance, for rations, forage, and travelling expenses, to an officer of that grade. If this section established only his monthly pay, and as in the case of other commissioned officers, the act had positively fixed and ascertained, in subsequent sections, the allowance for rations, forage, &c., it would have amounted, I apprehend, to the same thing, as it does at present. Those officers, for whose pay, rations, &c. provision is made in this manner, are, I conceive, as completely excluded thereby, in their respective capacities, considered merely as officers of a certain grade, in the ordinary line of duty, from additional compensation in any shape, as the Brigadier-general, in his distinct and substantive quality as such, by the expression, in relation to his monthly pay, being a full and entire compensation. When a statute declares positively, that an officer shall receive a certain pay, and precise number of rations, &c., the affirmative expressions, imply and import a negative, that he shall not receive any more, than what is thus limited and prescribed. The law, thus fixes his full and entire compensation, by specifying particularly, every article of which it shall consist.

*"Notwithstanding which, it will be conceded, that officers are entitled to quarters and to fuel, in proportion to their rank, when the army goes into winter quarters, or to tents when encamped. When marching by land, with the army, or proceeding by water, the wagons or vessels, proper for transporting their necessary baggage, and camp furniture, would be provided at the public expense, and would not be deducted from their compensation. This I believe to be the universal usage and custom."**

* See Report Committee of Congress, John Randolph chairman, page 11.

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When I find myself supported by such high authority, I must be pardoned, for still insisting on the construction, I have given to the law, and on my right to transport, although I have the misfortune to differ, from that luminary of genius, William Simmons, the accountant of the war department. If under the law of 1802, I am entitled to quarters, tents, and fuel, I am equally entitled to transport. It is correctly observed, in General Dearborn's letter, before quoted, that "there never has been any law, for furnishing officers or soldiers with quarters, any more than for tents or fuel; but universal usage and the necessity of the case, have long since sanctioned the practice." And the right to transport, has always depended, and been allowed, on the same principles with quarters, tents, and fuel, although it was never specially given by law; and therefore, if the law of 1802, does not affect the one, neither can it destroy the other. It is proved by Colonel O'Hara, formerly quarter-master-general, that during the time he filled that office, "it was the invariable practice, for the public to transport the furniture, baggage, and stores of the commander in chief, with the army, in all directions." And in the opinion of the attorney-general, before quoted, the right to transport is expressly placed, on the same footing with the right to quarters, tents, and fuel, and stated to depend on the same principles.

A different construction of the law, would be prejudicial to the individual, and the service.

Indeed a different construction of the law, would not only impair, but destroy my usefulness, as an officer, and of course would injure the public service; as my whole attention ought necessarily, to be engaged, in superintending and directing the movements of the troops, when under march, for which I am held responsible; and it is absurd to suppose, that this duty could be discharged, with advantage to the service, if at the moment the troops are put in motion, I should find myself under the necessity, of packing up my papers, books, maps, clothes, and provisions, and looking out for cartmen, wagoners, and boatmen, to transport them to the place of destina-

tion. It ought not to be supposed, (unless the words of *necessity* imply such a meaning) that the legislature of the United States, have intended to impose on the commanding officer, duties so incompatible with those of his office, and so injurious to the public service.

But, even, if it were conceded, that President Jefferson, secretary Dearborn, comptroller Duvall, and attorney-general Rodney, were all mistaken in their construction, of this act of Congress, and that the accountant Simmons, alone, had the good fortune, to hit upon its true meaning; yet, I contend there is no foundation, for a criminal charge against me, which would subject me to punishment.

If Simmons, in opposition to every other authority, had been in the right, yet there was no foundation, for a criminal charge against General Wilkinson.

The facts are these, I did give the order of May 14th, 1805, to the military agent, for the payment of $262 96, for the transportation of my baggage and stores; and this I understand to be the foundation, on which this specification rests. I have had no adjustment of my account, with the accountant, since that period, although he has often, since, been busily engaged, in reporting my accounts and misrepresenting their true nature. The first information received by me, that any of my disbursements through the military agent, or his assistant, were to be disputed, was, I think, contained in a letter from Mr. Simmons to me, of February 20th, 1808, in which he informed me, "*that in the accounts of the military agents, and their assistants, it appeared that disbursements had been made on my account, which the act of Congress, fixing the military peace establishment, did not authorise, and which he had charged to my personal account.*" But he did not specify the particular items; and in answer to my letter of enquiry, on that subject, I was informed by Mr. Simmons, in his letter, of March 23d, 1808, that the rejected items, embraced the disbursement, for "*transportation of baggage, purchase of fuel, forage, &c.*" and that was the first information I obtained, that my right to this allowance was to be disputed.* Believing myself

First intimation received by General Wilkinson, that his accounts were to be disputed.

* See Report Committee of Congress, John Randolph chairman, page 28—29.

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fairly and legally entitled, to the allowance I had claimed, Mr. Simmons was afterwards requested to make out my account, in order to afford me an opportunity of obtaining justice, by bringing my claim before his superiors. This account was rendered to me, in January, 1809, and contains the item on which this specification is formed; and I received it just as I was embarking at Baltimore, for Charleston, South Carolina, and under orders for command, at New Orleans, in January, 1809; conceiving this, as well other charges, to have been improperly placed, to my private account, on March 6th, of the same year, I appealed to the secretary of war, as appears, by an attested copy of my letter, and account, which has been read in evidence; and the item, on which I am now accused, will be found among those, on which I made my appeal, which has been acknowledged by the secretary of war, in his letter, of April 27th, 1809, herewith produced in the following words:

General Wilkinson appeals to the secretary of war.

"Your letter, covering an account of several items, not allowed by the accountant of the war department, is received. As yet, I am not satisfied how far, the secretary of war has authority to direct, in the allowance of claims, not authorised, (in the opinion of the accountant) by law or by orders of the department."

This is the only answer I have received on the subject of this appeal; and it was made, more than two years ago, and I am authorised to presume is still pending, because I have received no advice of his decision; and it would have been unbecoming, and improper in me, to have carried my appeal, before any other officers of the government, empowered to decide, while the secretary of war was holding, the question of his own jurisdiction under advisement; and in these circumstances, this disbursement is now brought up against me, in the shape of a charge, for the criminal misapplication of the public money, and I am arraigned and put on trial, while the question of right is yet undecided. I need not say, to

this court, that the decision of the accountant, is not final as to the principle of right; in my claim, to the allowance for quarters and rations, his opinion was overruled, as I have already shewn; and the proceedings in that case demonstrate, that if the secretary of war should finally decide, that he has not jurisdiction in the case, I may appeal to the comptroller, and if his judgment should be in my favour, his order would compel Mr. Simmons to allow my account, and my right would then be established. This is a true statement of facts.

I cannot condescend to offer an argument, for the purpose of shewing, that there was no fraudulent design, in giving the order on which I am accused. The order was intended as a voucher, for the military agent, and would of necessity come before the officers of the government, in the settlement of his accounts; of course, there could be no intention of concealment. The principles, on which I deemed myself entitled to the allowance, have been sanctioned by the officers of the government; by the President, the secretary of war, the attorney-general, and the comptroller, as I have proved in a former part of this argument; of course, the provisions of the law, are, at least, not so clearly against me, as to warrant the suspicion, that my construction was strained. The highest offence, then, of which I can have been possibly guilty, in this case, is a mistake in the construction of the statute: and I would ask, if the law has been misconstrued, can it be a higher offence in a military officer, to misconstrue an act of Congress, than in the attorney-general of the United States? Nobody has supposed Mr. Rodney liable to impeachment, for his opinion, even if it was erroneous:—should I, then, be liable to arrest, for a like error in judgment? If an officer may be punished, for interpreting a statute incorrectly, none but able counsellors, ought to receive military commissions; and they, perhaps, would not always be safe, for lawyers somtimes differ. I have never heard of any code of laws, by which error was punished as a crime; even if it was finally decided, that the party was in error; still less, when

Erroneous construction of a statute, no crime.

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the matter was, yet, in litigation, and when it might ultimately be found, he was right. It is the intention which constitutes the crime. For an injury done by mistake, a civil action may be maintained; but it never can be considered, an offence against the public, punishable by indictment, unless in cases, where the law presumes knowledge in the party. In a mere dispute about an account, the government must be considered, as standing on equal grounds with the individual. Each party has the same right to prefer his claim, and contend for it freely, before the proper tribunal. It cannot be a crime in an individual, to claim a debt of the government, to which he conceives himself entitled; nor have the government a right to deter him, from insisting on the claim, by holding over him the terrors of punishment, in case the dispute should be finally adjudged against him. In giving the order to the military agent, before mentioned, I have therefore committed no offence, unless it is made one by the articles of war. They form the military code; and a court martial has no jurisdiction, except only of military offences. The sentence, of GUILTY, must always specify the particular article of war, which the accused is found to have violated.

Claims of individuals against governments, ought to be treated in the same way as those against individuals.

The article on which this charge, and the specifications under it, were intended to be founded, is not set forth; and I am, therefore, at a loss, how to meet the accusation. It cannot, I suppose, have been designed, to frame this charge on the 83d article, "for conduct unbecoming an officer and a gentleman," because, in that case, the charge would have been so made; and because it can never have been thought, that to misconstrue an act of Congress, and to claim the exercise of a right, believed to be given by it, was "*conduct unbecoming an officer and a gentleman,*" especially when neither the government, nor any individual, was intended to be injured by the misconstruction.

Difficulty of ascertaining the article, on which this charge, and its specifications, are founded.

As the charge is for "*misapplication of public money,*" the accusation I suppose was intended to be made, under the 89th article, which is the only one relating to that

subject; and from the language used in the charge, this article seems to have been the one referred to. It is in these words: "*Every officer, who shall be convicted before a general court martial, of having embezzled or misapplied any money, with which he may have been entrusted, for the payment of the men under his command, or for inlisting men into the service, or for other purposes, if a commissioned officer, shall be cashiered, and compelled to refund the money.*"

39th article, and the penalties to be inflicted on an officer, convicted under it.

I shall not stop to enquire, whether money in the hands of the military agent, can be considered as entrusted to the commanding officer, when it is paid by the military agent, under a specific order for a specific purpose, even if that purpose is not warranted by law? I would not avail myself of this ground of defence, if it should be thought tenable; because I wish to be judged, by the same rule that is applied to my brethren in arms, and claim no exemption from punishment, in cases where they would be subject to it. But I deny, that under this article of war, any officer is liable to be punished, unless the misapplication is fraudulent or wilful. The punishment inflicted on the officer, described in this article of war, is the most disgraceful that can be imposed—it is worse than death. The nature of the punishment affixed to the offence, is proof of the enormity of the crime, intended to be designated. It cannot be believed, that the legislature of the United States, considered the misinterpretation of a statute, by a military officer, to be so highly criminal, as to merit cashiering and disgrace.

Cashiering and disgrace, a severe punishment, for mere misconstruction of a law.

The offence mentioned in the article of war, is the embezzling and misapplying the public money. Embezzling always implies a criminal intention; a wilful breach of trust;—to misapply, does not, I grant, in its ordinary meaning, imply any wilful misconduct;—but the whole article must be taken together. As the embezzling the public money, and the misapplying it, are placed together in the same article, and subjected to the same punishment, there must be some parity, in the guilt intended to be punished; and it would be contrary to all justice

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and reason, to punish innocent mistake, with the same severity as criminal intention. Such a scale of punishments, could not find a place, in the statutes of any legislative body. Its extreme injustice, forbids the adoption of the construction, which is necessary, to sustain this prosecution. If the construction is given to this article, which shall make me liable to arrest, then the principle must be established, that every application, by an officer, of public money, for which he cannot obtain a credit, will subject him to punishment. Every officer, almost, is at some period or other, entrusted with public money, and very few of them have ever been allowed, every item contained in their account: it being a well known principle of the accountant, to raise exceptions whenever there is a shadow of ground for it. Heretofore, when an item was finally disallowed, as improperly expended, the officer was charged with it in his personal account, and if not immediately refunded, he was put on stoppages, until the balance was discharged, and thus the controversy ended. Nobody pretended that the officer was liable, to be cashiered for the act. But, if this extraordinary construction, is now given to the article in question, what is the consequence? If a single item charged by an officer, no matter how trifling the sum, is disallowed, on the ground of misapplication, he is liable to be arrested; the account which he himself produces, forms the evidence of the misapplication; the expenditure is decided to be improper, by the construction of the accountant, under the act; the public money was therefore misapplied, the officers having a right to apply it, only, to authorised objects of expenditure: If he instantly refunds the money, so misapplied, it does not exonerate him; because it is not the refusal, or omission, to replace the money, that constitutes the offence; it is the act of misapplying it; and that act being done and past recal, the officer is liable to be cashiered and disgraced, however pure his intention may have been, whenever a malicious enemy, may choose to exhibit a charge against him. No man would wear a sword, if he held his commission, and his honour, by a te-

The mode pursued in other cases.

nure so precarious; and the extreme absurdity and iniquity of this construction, prove, that the legislature could only have intended, to punish a wilful or fraudulent misapplication.

The particular injustice of the principle, as it regards General Wilkinson.

And, in my case, the interpretation, would be most cruel and unjust. The legality of the expenditure, in question, as I have before shewn, is not yet decided by those, who are by law appointed, finally, to decide on it. I have appealed to the secretary of war, from the decision of the accountant, and my appeal is still in suspense. It may be decided, that the money in question, was not misapplied, but legally expended; and it will be so decided, if the principle and construction, of President Jefferson, is adhered to, which was adopted in the expenditure for quarters, and extra rations. And if this court should think, I am not entitled to transport, and that my order to the military agent, was such a misapplication of public money, as subjects me to arrest, I might be here convicted of the offence; and after having undergone the punishment, and incurred the disgrace, of the sentence passed against me, the officers of the government may decide on my appeal, and adjudge me to have been legally entitled, to the right I claimed, and the money not to have been misapplied, but properly expended.

Now, Sir, am I supposing an improbable case? If, I am liable to be criminally charged, on this disputed claim, while the controversy is still pending and undecided, the same thing might have taken place, when my allowance, for quarters and rations, were rejected by the accountant, and I was prosecuting my appeal before the comptroller; I might have been brought to trial, pending my appeal, and if the court martial, before whom I was tried, had considered my construction, of the law of Congress, to be erroneous; and that such an application of the public money, under the idea of right, was yet within this article of war, and subjected me to punishment; I might have been cashiered, before my appeal was decided, and after I had lost my commission and my honour, I should have been found innocent;—the rightful application of

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the money, being afterwards admitted by the competent authority. Such an event would be unique in the history of jurispradence, and would expose the monstrous absurdity, of giving a construction, to the article of war, different from the one, on which I have been insisting;—and shews, also, the malignity, of exhibiting against an officer, a criminal charge, for claiming what he deemed a matter of right;—even if that right had been disputed, by the accountant of the war department. It is a fact so notorious, to the army, that I have not thought it necessary, to call proofs to establish it, that no question had been heretofore made, respecting my right to transport; and in the year 1809, my baggage and furniture, were transported, from Baltimore to Carlisle, and back again, then from Baltimore to Pittsburgh, where a barge and crew were held in readiness, to receive and transport it, to New Orleans;—and all this was done at the public expense, without a murmur or exception.

The malignity of preferring a criminal charge by way of trying a matter of right.

The right of transport too notorious to require proof.

To the second specification;—I reply, that horses purchased in Kentucky, for my own military service, and that of the chief officers of the army, were transported in public boats, to New Orleans, according to immemorial usage; but that no detachment was halted by my order, at Louisville, or elsewhere, on account of those horses, or by the orders of any other person, to the injury of the public service; and that the horses were not, by my orders, fed at the public expense.

Evidence of Captain Peter, Captain Gibson, and Captain Irvine.

The late Captain George Peter, and the present Captain James Gibson, are the witnesses who have been offered to support this specification; the first, an acknowledged enemy, and, by the testimony of the late Captain William Irvine, not only an enemy, but a virulent calumniator.* I have had an high opinion of Captain Gibson, and therefore, certain parts of his testimony, delivered before the court, cannot be otherwise accounted for, than by the defect of accuracy, or the failure of recollection.

* See Appendix, No. CXVIII—Third Report Committee of Congress, Mr. Bacon chairman, page 341.

Captain Peter, when called before the committee of Congress, in 1810, swears "that a detachment, consisting of six companies, embarked on board, about, twenty Kentucky boats, arrived at Louisville, on the morning of the 27th of February, and remained there until the evening of the 28th, waiting the arrival of Major Morrison, with General Wilkinson's horses, about nine or ten in number; that the delay was by the order of General Wilkinson; that these horses were the private property of General Wilkinson, and were fed and taken care of, at public expense, until their arrival at New Orleans, which was the latter part of March; also, that a public boat was provided, for the accommodation of the said horses, at an expense of not less than one hundred dollars, and on his arrival at New Orleans, the said horses were delivered to the order of Colonel Parker."

In his second examination, before the committee of 1811, on the 9th of February, he amends and enlarges his evidence; he says, he neglected to answer certain interrogatories, put to him by the former committee, bearing on the subject, and assigns for reason, "*that he was tired of it, and wished me to be present,*" and yet this witness, like his colleague Simmons, *was sworn to tell the whole truth.* He adds, "that Colonel Russell informed him, that he would direct Lieutenant Price to join him, at Louisville, who was arranged to the company of Captain Gano, who had resigned, and that Lieutenant Price arrived at the same time with my horses, but that he would not have halted for the Lieutenant; that the halt involved no additional expense, but the purchase of a few articles to fit up some of the boats, such as brick and lime to repair chimnies, nails and plank, curry combs, water buckets, &c.; that it occasioned the delay of the detachment, consisting of 3 or 400 men, about 54 hours; that he received at Newport, from 1500 to 2000 bushels of provender, the price of which was there very low, but at New Orleans, extremely high; that its transportation cost nothing more than the value of the boats, which were small Kentucky boats, navigated by soldiers; that on his

Provender at Newport bought, at a low price, and very high at New Orleans.

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arrival at Washington, he received a letter from William Simmons, requesting information respecting the horses, and he informed him, in reply, that the troops had been detained in Shippingsport, *several days for the horses, and that he considered this delay an expense to the public, and that the quantity of grain given to each horse, was four gallons of oats, and three gallons of corn, per day.*" Captain Gibson swears, "that the horses delivered at Louisville, as my property, was transported on board an additional boat, furnished by the military agent, at Newport, and fed, as *he supposes*, on public provender; that he does not know that the grain was measured, but that the general rule for issuing grain to each horse, per day, is from 6 to 8, and perhaps from 8 to 10 quarts of corn; that Colonel Russell arrived, and brought with him a quantity of corn, out of which General Wilkinson received 203 flour barrels full of ears of corn; that the military agent having before that time, furnished some oats for those horses, was apprehensive that his account would not be allowed, and applied to him, (Captain Gibson) to receipt for the oats, which he at first declined, but afterwards agreed to pass a voucher to Mr. Abrahams, for the oats which had been supplied General Wilkinson, and to receive of General Wilkinson, a quantity of corn, equivalent in value to the oats, under the impression, that General Wilkinson held himself accountable, to the military agent, at Newport, for what corn he received; that the corn he received of General Wilkinson, was a part of the 203 barrels; that he does not know whether General Wilkinson purchased any forage for his horses, at New Orleans; that the boat was sunk from which the corn was removed, and if it had not been removed soon, part of it would have been lost; that, at the request of General Wilkinson, he superintended the removal of the corn, but did not consider it as his duty, as it was in the charge of the military agent."

Now, Mr. President, notwithstanding the testimony of these witnesses, I trust, I shall be able to shew, to the satisfaction of this court, that, in this instance, as in

many others, where inuendoes, insinuations, and charges, have been employed, to debase my character, I have evinced my vigilant regard of the public interest, and for the economy of my arrangements, have merited public applause.

Being ordered to a service, which, from its distance, might be called foreign, and believing hostilities inevitable, it became my duty to provide, as promptly as possible, for every claim and contingency. Under this impression, for the accommodation of the light artillery, ordered to this service, and to save the treasury six-fold expense, I requested the secretary of war to permit, the purchase of a quantity of short forage in Kentucky, to be transported down the river by the troops, to which he acceded, and the purchase was made, by Colonel Taylor, at Newport, who shipped the forage, in charge of Captain Peter and Colonel Russell. These facts are sustained, by my letters to Captain Peter, of the 28th and 30th of December, 1808, and the extract from Colonel Taylor's letter to me, of the 27th of October, 1811, which are here inserted.

Short forage purchased at Kentucky, upon the authority of the secretary of war, to save public expense.

GENERAL WILKINSON TO CAPTAIN PETER.

"*Head Quarters, Washington, Dec. 28th*, 1808.

"Sir,

"On arriving at Pittsburg, you will take the command, and direct the military agent to provide, whatever may be necessary for the embarkation, and voyage, of your men, cavalry, arms, wagons, baggage, &c. to New Orleans; after which, you are to embark and proceed with the two companies, without a moment's unnecessary delay. I expect a dozen horses will be delivered to you at Louisville, by Major Morrison, and I must request you, to have the stalls prepared to receive them, and that great care be taken of them, AS THEY ARE INTENDED FOR MY SERVICE, AND THAT OF THE CHIEF OFFICERS

General Wilkinson's letter to Captain Peter, 28th Dec.

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OF THE ARMY. I will suggest to the secretary of war, the expediency of your taking down with you six month's short forage, in oats and corn, and if it should be provided, you must have it carefully secured in binns, against water from above and below. Your knowledge of the navigation, supercedes the necessity of any admonition on that subject; you will necessarily proceed with such caution, as not to put your boats to hazard; and should the health of your horses require it, will land and exercise them for a day, when convenient and safe; but you are to make no unnecessary delay, and will complete your voyage at New Orleans, where I hope to receive you in person.

Unnecessary delay forbidden.

"I beg my regard and my best wishes, to be presented to the gentlemen of your command, wishing you an agreeable party.

"I am, with much respect and esteem,

"Sir,

"Your obedient servant,

(Signed) "JAMES WILKINSON.

"Be pleased, before you sail, to advise Mr. Morrison, of Lexington, Kentucky, of your movement.

"*Captain George Peter, Light Artillery.*"

"*Washington, December 30th*, 1808.

"Sir,

General Wilkinson's letter to Captain Peter.

"Three thousand bushels of grain will be ready for you at Newport. You are therefore, to be prepared to receive and transport it, to New Orleans; and you are to take under your command and particular orders, all the troops at that place, which may be ready to descend the river with you. Among these, I expect you will find, Cutler's company of the 7th infantry, and Macdonald's of the rifle corps. I need not suggest to you, the expediency of keeping a tight rein of subordination, over

these recruits, and to enforce the strictest police. Wishing you an agreeable voyage,

"I remain, Sir,

"Your obedient servant,

(Signed) "JAMES WILKINSON.

"*Captain Peter, Light Artillery.*"

Extract of a letter from Colonel James Taylor to General Wilkinson, dated Newport, Kentucky, Oct. 27th, 1811.

Colonel Taylor's letter to General Wilkinson.

"I have considered of your request, to forward you a statement, under oath, of the cost of the grain and boats, delivered to Captain Peter and Colonel Russell, and I do not conceive it would be proper for me to furnish this statement, without some requisition from the war department, or by the court of enquiry. I assure you I should be loth to withhold from you, any information, which you ought to have, but I should be very unwilling to bring on myself any censure.

As to the receipts of those gentlemen, Captain Peter and Colonel Russell, for the boats and grain, I can only find one among my papers, and that is Colonel Russell's for seven boats, which is a duplicate; the receipt of Captain Peter, for the boats and grain, and also Colonel Russell for the grain, I am sure I deposited in the accountant's office, when I settled my accounts; and I think I recollected there were no duplicates taken, as I intended to go on and settle my accounts myself. There was about three thousand five hundred bushels of grain, I think, sent down, and one ton of hay and a little upwards, furnished to Captain Peter while he was here.

"The whole expense of grain, hay and some small expense for fitting up boats and rent of stable, while the artillery horses were here, amounts to one thousand and eighteen dollars and sixty-six cents; but, one boat was sunk at this post, before it was put in the charge of Captain Peter, containing about 400 bushels of corn; but this is not included in the above quantity. Colonel Russell is on

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the spot, and can give evidence to any thing that is necessary; and Captain Zachary Taylor procured a good deal of the corn for me, as I got it in the neighbourhood of the falls, lower than I could get it here. I think Captain Peter received from me, seven or eight boats to transport the troops, who were at this garrison, and the grain."

General Wilkinson orders the purchase of twelve horses.

While thus providing for the public interests, I was not inattentive to those of the individual. Knowing, as I did, the high price of horses at New Orleans, the difficulty of procuring suitable ones there, and the necessity of the officers, who performed their functions on horseback, being immediately mounted, I wrote Major Morrison, of Kentucky, desiring him to purchase ten or a dozen of suitable qualities, to ship them by Captain Peter, and to draw on me, in New Orleans, for the amount. To prove the integrity and disinterestedness of my motives, in this transaction, I will appeal to the testimonials of Colonel Beall* and Colonel Smyth.

Extract from the deposition of Colonel Beall.

Proof of General Wilkinson's motive in purchasing the horses.

"A few days after my appointment in the present army, I asked General Wilkinson what I should do for horses, when I arrived at New Orleans: he informed me, he had requested a friend in Kentucky, to purchase and send him some down, for his own and the use of the principal officers of the army, and that he would let me have two."

Certificate of Colonel Alexander Smyth.

"At the request of General Wilkinson, I certify, that at the city of Washington, in December, 1808, as I believe (although it might have been at Charleston, in Fe-

* See Third Report Committee of Congress, Mr. Bacon chairman, p. 535.

bruary, 1809,) he informed me, in a conversation, that he was about to have some horses purchased, and sent down from Kentucky to New Orleans, "for the use of the field officers." CHAP. XIV.

"Given under my hand, at Washington, Mississippi Territory, this 12th day of February, 1814.

(Signed) "ALEXANDER SMYTH."*

But whether Major Morrison, could or would make the purchase, at the time, was a thing utterly uncertain. It will, however, be seen, that in my letter to Captain Peter, of the 28th of December, I mention the expectation, and "*request him to take charge of the horses,* AS THEY WERE INTENDED FOR MY SERVICE, AND THAT OF THE CHIEF OFFICERS OF THE ARMY." But, in the same letter, Captain Peter is ordered, "TO PROCEED TO NEW ORLEANS, WITHOUT A MOMENT'S UNNECESSARY DELAY;" which order is emphatically repeated, in the same letter. Hence, gentlemen, I would contend, were it necessary, that if Captain Peter, under these orders, made any delay on his route, injurious to the public service, merely in consequence of a request from me, he made it at his own hazard, and merited reprehension.

General Wilkinson claims allowance of transport, as a right, and shews he enjoyed it uninterruptedly, till 1809.

But, gentlemen, I claim the transport of my baggage, books, papers, stores and horses, when the service requires it, not as a matter of indulgence, but a right, established by the law officer of the government, (the attorney-general,) under the law itself. This right† is founded on usage immemorial; it is inseparable from the interests of the service, because the troops, and stores, and baggage, must move together; and it is somewhat remarkable, that I should have been permitted to enjoy this indulgence, if it could be called one, until the year 1809, without exception or complaint; for my horses,

* See Third Report Committee of Congress, Mr. Bacon chairman, page 536.

† See Appendix, No. CXIX.—Third Report Committee of Congress, Mr. Bacon chairman, page 530.

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baggage, &c. were transported in public boats, down the Ohio, in the year 1802, and, also, in the year 1805, and if I could have been indulged, with Colonel Cushing, and Lieutenant-colonel Pike, as witnesses, I should have been able to prove, in these and other instances of a similar nature, that transport was furnished to me without exception. But why should these charges and complaints, be reserved for so late a period?—because the public mind had not been sufficiently prejudiced, to receive them.—Burr's conspiracy had not occurred; nor had I perpetrated the damning sin of having frustrated it.—And why are they brought forward now?—To gratify the malignity of George Peter and William Simmons, and to reinforce the calumnies of Daniel Clark, and his traitorous adherents.

Motives for delaying the charges now brought forward.

No expense incurred, in

But, Mr. President, it is proved by Captain Irvine,* and Captain Pinkney,† and it is even allowed by Cap-

* *Extract of the deposition of William N. Irvine.*

"*Question* 2*d.*—Did the halt made by Captain Peter, at Louisville, to take on board, the private horses of General Wilkinson, involve a cent of expense, or the least injury to the public?

"*Answer.*—I believe not. There was no more expense than would have been incurred in floating the same length of time; and I know of no injury.

"*Question* 3*d.*—Was not a quantity of public clothing landed at the time of this halt at Louisville, by order of Captain Peter?

"*Answer.*—The clothing was landed at Shippingsport, immediately below Louisville."—See Third Report Committee of Congress, Mr. Bacon chairman, page 540.

† *Extract of the deposition of Ninian Pinkney.*

"*Question* 2*d.*—Did the halt made by Captain Peter, at or near Louisville, to take on board General Wilkinson's horses, involve a cent of expense, or the least injury to the public?

"*Answer.*—I believe not.

"*Question* 3*d.*—Was a quantity of public clothing landing at the same time?

"*Answer.*—I understood that Lieutenant M'Pherson, who had charge of a detachment of Gano's company, landed some public clothing at that time for an officer, who was to recruit for said company, at Louisville.

tain Peter,* that the halt at Shippingsport, did not occasion a cent of expense to the public, and that clothing was landed, the troops inspected, and Lieutenant Price was embarked, at the same place, to take command of Captain Gano's company, who had resigned.

consequence of the halt at Shippingsport.

If the horses were fed out of the public forage, it was an act of Captain Peter's discretion, not by my order, and it was his duty to have reported the quantity, to the military agent, that it might have been charged to me.

Mr. Peter has sworn, that the extra boat, provided for my horses, cost not less than one hundred dollars; but Colonel Taylor informs us, that Captain Peter received from him seven or eight boats, and that the cost of those boats, and those furnished Colonel Russell, together, with three thousand five hundred bushels of grain, including a charge for stable hire, for the artillery horses, did not exceed $1018 66cts., so that this boat is made to cost one-tenth part of the whole sum, paid for 3500 bushels of grain, the expense of embarking the same, and fifteen boats, when it is a fair presumption, that she did not cost twenty-five dollars.

Improbability of the boat appraised by Captain Peter, at a hundred dollars, costing more than 25.

It follows, Mr. President, from these facts, THAT INSTEAD OF MISAPPLYING THE PUBLIC TREASURE, BY MY

* "*Question 4th.*—Did not Lieutenant Price, who was to command the company of Gano, embark with Captain Peter's detachment, at or near Louisville, and was it before or after the arrival of the horses?

"*Answer.*—Lieutenant Price did join that detachment near Louisville. He arrived I think a few hours before the horses."—See Third Report Committee of Congress, Mr. Bacon chairman, page 552.

Extract of Captain George Peter's deposition.

"*Question 8th.*—Did your halt at Shippingsport, near Louisville, for General Wilkinson's horses, involve any additional expense to the public, and in what respect?

"*Answer.*—No additional expense, but the expense of a few articles to fit up some of the boats, as explained in my answer to the last question. It occasioned the delay of the detachment of 3 or 400 men, about 54 hours."—See Third Report Committee of Congress, Mr. Bacon chairman, page 511.

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PRECAUTION, IN LAYING IN THIS FORAGE IN KENTUCKY, AT TWELVE OR FIFTEEN CENTS PER BUSHEL, WHICH AT NEW ORLEANS SOLD FOR A DOLLAR, I SAVED TO THE UNITED STATES, MORE THAN TWO THOUSAND DOLLARS IN THIS SINGLE ARTICLE,—and it is thus, my enemies attempt to support the charge preferred against me, of dissipating the public treasure.

General Wilkinson explains the circumstances, under which he received the corn, alluded to by Captain Gibson.

With respect to the two hundred and three flour barrels of corn, in the ears, which Captain Gibson declares were received by me, out of which he received a quantity, and with it cancelled an account, for oats furnished my horses, by the military agent,—the facts are these: Observing a boat, loaded with corn, to be sunk in front of my quarters, I advised the military agent of the circumstance, who reported that he had no place to store it, and was so much occupied in discharging other forage, which had arrived at the same time, and providing accommodation for the detachment of the 7th regiment of infantry, which had also just arrived, that it was impossible for him, to give immediate attention to it. I perceived, at once, that this forage would be lost, if not removed, and therefore, Captain Gibson being at my quarters on duty, I requested him to superintend the landing of it, a service performed by my guard, and to have it measured; this he did, and the corn was deposited under the gallery of my quarters, in a wet condition; and I had it sunned on tents, under my own eye, until it was sufficiently dry to be stored; though, the weather being showery, it was several times housed during the process, and; by these removals, a considerable portion of it was lost. I advised the military agent of these circumstances, and required of him to take the corn away, but he still informed me he had not store room for it. I, then, agreed to account to him, for such part of it as I should use, and fed my horses out of it;—four only in number; of the residue, brought down the river by Captain Peter, one had died, and the others had been sold at a considerable loss. The corn, in question, was landed at New Orleans, on the 22d or 23d of May, and when I

left the city with the troops, on the 8th or 9th of June, what remained of it, was subjected to the disposition of the military agent, to whom I stood responsible, for the quantity my horses consumed, the amount of which he promised to adjust with me. I had no idea, at that time, that he was to leave the department, having, at his request, signified to the secretary of war, his willingness to continue his services, under certain stipulations. In the mean time, I received corn, occasionally, through the military agent, from this deposit, and the forage of the artillery horses at my camp, being also stored in New Orleans, it sometimes, occurred that they were left destitute; on which occasions, Captain Gibson was furnished for those horses, from my private stock; and it seems, that from the corn thus drawn from me, Captain Gibson, under a sense of justice, I presume, accounted to the military agent, for the forage which had been previously furnished to me; but it was a transaction, between the military agent and the Captain, for which I am persuaded I gave no order,—because I have, at this time, no recollection of it. It will be perceived, from Mr. Abraham's notice to me, of the 17th of July, 1809, that he determined to quit the department, as soon as he was advised, by the accountant, that a person had been appointed to relieve him. It appears he failed to receipt for the corn, brought down by Colonel Russell, and of course, had no motive to call for the adjustment of my forage account; and from my own engagements at my camp, the circumstance escaped my attention, until my forage being exhausted, I directed my servant to purchase;—who after visiting the city, reported to me that a quantity of the corn left at my quarters, was still there. I, immediately, made enquiry, as to the manner in which, the military agent had accounted for the corn brought down the river, by Colonel Russell, at the same time, and was informed, that he had left the country without receipting for it. I, therefore, took the most direct course, to make myself responsible for it, by transmitting a receipt to Colonel Russell, for a larger quantity, a respon-

General Wilkinson transmits

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sible receipt to Colonel Russel, for the corn.

than that which I had saved by my personal attention; as I did not then doubt, nor do I now, notwithstanding the accountant's declaration before this court, obviously made for the occasion, that Colonel Russell's receipt, (which, from Simmons's acknowledgment and Colonel Taylor's assurance, is lodged in the accountant's office) would render me, on an adjustment, responsible for the quantity of corn I had used. Be this as it may, the integrity of my intentions are made manifest, by my causing the corn to be measured in the first instance, and receipting for a larger quantity afterwards; of the giving, and of the existence of this receipt, fortunately for me, Doctor Goodlett has borne testimony before this court.* It may be proper to call the attention of the court to the

"*Head Quarters, Camp Terre aux Bœufs,*
"*April* 6, 1809.

"Dear Colonel,

"I hope this may find you standing on your feet, and almost ready for battle. We want Doctor Goodlett extremely, as the officers press me for him, and declare several men have died, for want of his assistance. But I do not expect he will return, while he is sick or you are in danger; a moment longer, I am sure you will not detain him. You must not move before you are hale, unless your fellow-citizens press it, or you should find it necessary, to the establishment of your health.

"You will find inclosed a receipt, which you should long since have received, to go to the credit of your receipts above, when you settle with the military agent. If you have settled them you must return me the receipt, otherwise include it in your adjustment. Health and happiness be your portion always.

"Your's truly,

(Signed) "JAMES WILKINSON.

"Write me when you are able.

"*Colonel Russell, 7th Inf. New Orleans.*"

"I certify, upon honour, that this is the original letter from General Wilkinson to Col. W. Russell, covering a receipt, for two hundred and forty bushels of corn, which fell into my possession, in consequence of Colonel Russell's ill health.

(Signed) "A. G. GOODLETT,
"*Surgeon U. S. Army.*

"*Philadelphia, December* 28*th*, 1815."

"Received, from Colonel William Russell, two hundred and forty bushels of corn, for my private use, and for which I am ready to pay

deposition of A. D. Abrahams,* in which he declares, that "*the General did offer the use of his horses to the public, and for some time they were sent forth, by my orders, to perform such duty, as the public service demanded.*" I would ask who fed those horses, at the time they were used on public service? And is the suggestion unreasonable, that the very forage, for which Captain Gibson undertook to account to the military agent, was thus appropriated.

General Wilkinson's horses used on public duties.

If, then, Mr. President, it be a misapplication of public treasure, TO HAVE SAVED TO THE PUBLIC, MORE THAN TWO THOUSAND DOLLARS, by my precaution in the purchase of forage, in Kentucky, for the use of the artillery horses, in New Orleans,—if it be a misapplication of the public property, to save it from destruction by my personal vigilance,—if there be any thing fraudulent, in the manner of saving and receiving the corn, of which I am speaking, and in giving a responsible receipt for it afterwards,—then, am I the guilty, miserable wretch, my enemies would make me. Yet I do trust, that if I had even omitted those precautions, to render justice to the public,

the price, at purchase, to the military agent, or any other person. The corn purchased in Kentucky, was upon my order, to save the extravagant rates of New Orleans, for the artillery horses, and I directed an extra quantity for my own accommodation. And this statement is made to meet exceptions.

(Signed) "JAMES WILKINSON.

"*June* 1, 1809."

"I certify, upon honour, that this is the original certificate, forwarded by General Wilkinson to Colonel William Russell, to which I had referred in my testimony, before the general court martial, at Fredericktown, and that having fallen into my possession, by reason of Colonel Russell's ill health, in New Orleans, I have this day presented it to General Wilkinson, as one of the documents referred to on his trial."

(Signed) "A. G. GOODLETT.

"*Surgeon U. S. Army.*

"*Philadelphia, December 28th,* 1815."

* See Appendix, No. CXX.—Third Report Committee of Congress, Mr. Bacon chairman, page 523.

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I am not so far sunk, in the eyes of honourable men, as to be suspected, of the base design of pilfering a few bushels of corn.

To the third specification, I have a brief reply. The only evidence, brought to support this charge, *is the faithful accountant* SIMMONS, who having previously forfeited all credit, in this instance, swears to a palpable and gross falsehood, which has been incontestibly proved, by my examination of the general abstract,* which he imposed on the committee of Congress. But this specification is not only shamefully malicious, but despicably absurd; for it is proved before this court, by every officer, who speaks to the point; and it is perfectly understood by you all, gentlemen, that to the commanding officers of corps, and their quarter-masters, it exclusively belongs, to judge of the quality of the provisions offered for issue. But the sagacious accountant, has inculcated the idea, that the ration is the property of the public, and not of the soldier, although it is as strictly secured to him, as his coat or his pay. Our accountant has to learn, that when a soldier, by fishing, hunting, or by his labour, contrives to subsist himself without his ration, he is authorised to dispose of it, at his discretion, as another *person* would do of a fowl, a bullock, a bundle of hay, a bushel of coal, or a pound of candles.†

General Wilkinson defends himself against the imputation of being prodigal of the public money.

One of the fruitful themes of defamation, designed to draw popular hatred on me, derived from the misrepresentations and falsehoods of William Simmons, has been my prodigality of the public treasure, which carries alarm to every man's door, and excites the cry of, down with him! down with him!

I acknowledge, Mr. President, no man has ever been more regardless of his private interest than myself;—a soldier from my youth, I have never learned how to estimate pence or pounds, but by their immediate application. With the true spirit of my profession, ever ready to commute life for fame, I have looked to the field of

* See page 510, ante.

† See Appendix, No. CXXI.

battle for a bed of honour; but the man who will say, I have neglected the public service, dissipated the public treasure, or failed to exercise the most rigorous economy, on all occasions of public trust, shall be put to shame, as often as he dare shew his face. CHAP. XIV.

Did time permit me, I could produce proofs to shew, that in transferring our artillery, ammunition, stores, baggage, and provisions, on my own suggestion, from the waters of the Ohio, to those of lake Erie, in 1796, preparatory to taking possession of Detroit, I saved more than one hundred and fifty thousand dollars to the public. In garnishing Fort Adams with battering cannon, and endowing the place, with suitable magazines of ordnance, and military stores, I conducted a brig from New York to the spot, the first vessel of the ocean, which had ascended the Mississippi that distance, since the revolution; and by this change of transport, from the usual route across the mountains, and down the Ohio, I saved, on a fair estimate, six months in time, and twenty thousand dollars in treasure. I could recite many similar instances, of savings to the government, by my industry and my enterprise. But, Mr. President, I will ask the indulgence of the court, to make a record of a few specific cases. Occasions a saving of $150,000 to the public, and of $20,000.

In the year 1802, a treaty was held with the Creek Indians, by Benjamin Hawkins, Andrew Pickens, and myself, at which $33,199 44 cts. were expended, in the purchase of a small slip of land, between the Oconee and Ockmulgee rivers, in Georgia, and it is notorious this concession was effected by my address. For this fact I could appeal to Colonel Macomb.* In the autumn of the same year, I held a treaty with the Chactaws, at old Fort Confederation, on the Tombigbee river, at which I was sole commissioner, on the part of the United States; and although I was obliged, to negotiate from a sick bed, when surrounded by more than eighteen hundred Indians, I obtained a more important, and more extensive conces- Treaty with the Creek Indians, contrasted with that of the Choctaws.

* See Appendix, No. CXXII.

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sion, than that which had been previously acquired at the Oconee, for $2,388 10 cents.* Turn your eyes, gentlemen, from these savage scenes, to those of refined society, and you will find me, the next season co-operating as second, in the commission for taking possession of Louisiana. But, although Governor Claiborne was first in the commission, yet the accountant of the war department, in his reports to the committees of Congress, has contrived to saddle me with the odium of the whole expense, and by blazoning a few articles of luxury, he has *fumed* me from one end of the continent to the other, and given birth to many a malicious *bon mot*. But how does the account stand?—Why, Mr. President, the whole expense incurred by Governor Claiborne and myself, in actually taking possession of a province, which had cost the United States sixteen millions of dollars, from the 1st of December, to the 21st of April, five months, including the pay of the militia, quarter-masters' and commissaries' stores, table expenses, wines, sweetmeats, and even *Spanish segars*, amounted to the *monstrous* sum of $13,926 74 cts.† and for the execution of this important commission, I have never received a cent, although exposed to many heavy extra expenses. If any person should consider this expense, too considerable for the occasion, I will beg leave to call his attention to a contingent disbursement, that occurred at the same time, in which I had no participation.

Governor Claiborne, first in the commission, but the odium of the expenditure, heaped entirely on General Wilkinson.

Believing there might be resistance to our occupancy of New Orleans, a regiment of five hundred volunteers, were ordered, by the executive, from Tennessee, under a Colonel Dougherty, to co-operate with the regular troops under my command. But as this reinforcement was tardy in its movements, and I had preconcerted a plan of attack,‡ with certain confidential characters, in

Expense of a detachment of Tennessee volunteers, to Natchez and back.

* See Appendix, No. CXXIII.

† See Appendix, No. CXXIV.—Third Report Committee of Congress, Mr. Bacon chairman, p. 582.

‡ See my correspondence with William E. Hulings, vice-consul at New Orleans, recorded in this defence.

New Orleans, in case of resistance, which left no doubts on my mind of a successful issue, I determined to move, without the Tennessee volunteers, who reached Natchez, after every difficulty and danger had disappeared; they, of course, had not the opportunity of rendering a cent's worth of service, and the pay and expenses of this provisional force, amounted to $67,553 46 cts.*

What will my detractors say, when they make the contrast, and are told, that if I had not taken the precaution, to transmit an order to Natchez, before I left Fort Adams, remanding this corps to Tennessee, which was done on my own responsibility, these citizen-soldiers, who were all anxious to see New Orleans, would have followed me to that place; one effect of which, would have been, to double or treble the expense. For the authenticity of these statements, I will refer you to the comptroller of the treasury, by whom authenticated copies of the whole documents, were furnished the committee, of which the honourable Mr. Bacon was chairman.

To leave no means unemployed, which might wound my reputation, Simmons, the accountant, regardless of justice or truth, reports to all who will listen to him,—that I have cheated the United States out of immense sums, which he reckons at, from, twenty to eighty thousand dollars; while the whole balance he has been able to report, to my debit,† under a shadow of right, is between seven and eight thousand dollars; against which I have fair offsets, of at least six thousand dollars, and acquittal claims, which amount to nearly seven thousand dollars more. But what chance have I had for justice, since my discomfiture of Burr's conspiracy, and the vile attack made on me, by Messrs. Clark and Randolph, backed by the accountant Simmons, Thomas Power, Daniel W. Coxe, and a host of remorseless, unprincipled enemies? None! none! for, however righteous my preten-

* See Appendix, No. CXXV.

† See Appendix, No. CXXVI.—Report of the Committee of Congress, John Randolph chairman, page 31.

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sions, if I had asked for bread, they would have given me a stone.

General Wilkinson's concluding address to the court.

Mr. President, and gentlemen of the court, if, in this voluminous appeal to your judgment, rendered necessary by the extent, variety, and complication of the charges, under which I stand before you, I have deviated from the respect which I owe to myself, and which I feel for you, individually and collectively, I shall ever deplore it as a misfortune.

If the expositions, which the occasion has extorted from me, bear hard on the feelings of any one, I will refer him to my general orders, to his own breast, and the outrageous calumnies, which have been pointed at my immortal part; and after such appeal, I am persuaded no candid man will murmur against me. If I have treated some witnesses with derision, and others with contempt; if, I have animadverted freely on men and things, let it be imputed to the sensibilities of a mind, agonizing under misfortunes, and privations, the most poignant; and to the keenest sense of the lingering and incessant persecutions, by which I have been harassed, from the hour I proclaimed my opposition, to Burr and his traitorous associates, more than five years since.

You have witnessed, gentlemen, the inequality, between the accuser and the accused, on this enquiry. To support myself, against all the weight of this prosecution, my penury and powerless condition, left me almost without resource. It was the sense of this inequality, which caused my mind to revolt, against the proposition for a general court martial, when first mentioned to me; and it was the dreadful prospect of endless suspense, which induced me, afterwards, to seek it with solicitude. The dignity, the patience, and the candour of this court, throughout this painful and protracted enquiry, is a sure pledge of the sacred respect to justice, by which it is animated; and these demonstrations of an equitable disposition, establish the strongest claim to my gratitude.

Gentlemen, if in the course of this examination, a single instance has been proved, wherein I have been guil-

ty, even, of an omission of duty, then let your denunciations fall heavy upon me; but if, on the contrary, it should appear to you, that my life has been zealously and faithfully devoted, to the service of our common country, then, I feel well assured, your award will minister consolation, to this long afflicted bosom; and by restoring to me my sword, and my honour, that you will enable me to mingle my efforts with your own, in the rightful war, to the threshold of which, our government appears, at this moment, to have approached.

IN THE DAWN OF MANHOOD, I DEDICATED MYSELF TO THE DEFENCE OF MY COUNTRY; IN THE DECLINE OF LIFE, I TRUST, WITH A FULL RELIANCE ON YOUR JUSTICE, GENTLEMEN, THAT I SHALL NOT BE DEEMED UNWORTHY, TO DIE IN ITS SERVICE.

JAMES WILKINSON, *Brigadier-general, Commanding the army of the United States of America.*

DEFINITIVE SENTENCE.

Wednesday, December 25th, 1811.

THE court being cleared, proceeded to form and deliver its definitive sentence as follows, viz.

On the first charge, and the ten specifications attached to that charge, (after hearing all the evidence both for and against the accused, and due deliberation being had thereon) the court is of opinion, that they are not supported, and therefore acquits Brigadier-general Wilkinson of all and each of them.

It is due to the nature and magnitude of this trial to state, that the testimony adduced in support of the two first charges, and their several specifications, appears to be well calculated to warrant the suspicions which have long prevailed, of a corrupt connexion between Wilkin-

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son and the late Spanish provincial government of Louisiana, and fully to justify a legal enquiry into the grounds of them. The court, to the best of its ability, has pursued this enquiry—which has been the more laborious and perplexing, from the agreement of the government and accused, to admit, on all the charges and specifications, without discrimination, the documental testimony, collected and reported to the House of Representatives by several committees of that body, as also part of the testimony given on the trial of Aaron Burr; much of which is unessential as to matter, and incorrect as to form, and inadmissible in judicial proceedings on any other principle than that above stated.

Hence the admission of testimony in support of the two first specifications to the first charge, though it is within the knowledge of some of the court, that, in 1789, (the time when it is alleged the accused received of the agents of Spain, large sums of money on account of a pension or stipend) said Wilkinson did not hold a commission in the army of the United States, and therefore is not amenable to a military tribunal for those alleged offences; nor do the records of this court exhibit any evidence in support of them.

In support of the other eight specifications to the first charge, the evidence arising from said documental testimony is mostly relied on; part of which has been confirmed, under oath in open court, by one of the original deponents. Unquestionable evidence appears on the records of this court, exhibited on the part of the accused, that General Wilkinson, in the month of August, 1788, obtained of the Spanish provincial government of Louisiana, the privilege of carrying the products of Kentucky to the New Orleans market; that the said products, thus carried or forwarded by him prior to the year 1790, as appears by the several accounts current, sold in said market for more than eighty thousand dollars—a sum of greater magnitude than is alleged, in the specifications to the first charge, to have been received by said Wilkinson, on account of his pension or stipend; that dur-

ing the year 1790, the shipments of said Wilkinson, to a very considerable amount, appear to have been sold, by particular agreement, to Governor Miro, who purchased them on account of the King of Spain—the proceeds of which were subsequently remitted to said Wilkinson at various times, and by means of various persons, and therefore a strong presumption results from the evidence, that the several sums embraced by the several specifications to the first charge, (alleged to have been received by said Wilkinson, on account of his Spanish pension or stipend) were part of the avails due to said Wilkinson, on account of the several shipments made by him, during the period of his commercial transactions at New Orleans.

The preceding remarks are grounded on proofs, both direct and collateral; from the whole of which a violent presumption arises, that the connexion, formerly subsisting between General Wilkinson, and the late Spanish provincial government of Louisiana, was exclusively of a commercial nature, which was maintained on the part of said Wilkinson, by such means as his policy and interest suggested, to ensure success, though tending to excite jealousies, and unfavourable suspicions of his views; that said Wilkinson made no shipments, subsequent to the year 1790, and that the avails of said shipments, were occasionally remitted to him, till the year 1796, when the account between General Wilkinson and Governor Miro, was finally closed and balanced by their respective agents —after which, there is no evidence of the receipt of money by him, from said Spanish provincial government, or any of its agents, except in one instance, by his own voluntary confession, and that on account of former mercantile contracts.

On the second charge, and the five specifications attached to that charge, (after hearing all evidence, both for and against the accused, and due deliberation being had thereon) the court is of opinion, that said charge and specifications are not supported, and therefore acquits

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Brigadier-general James Wilkinson of all and each of them.

The evidence adduced in support of said charge and specifications, appears in a great measure, to grow out of the private correspondence of General Wilkinson, with the Spanish officers and agents, the statement of one witness, and the oral testimony, deposition and narrative, of another.

It appears evident to the court, that, in 1795, a considerable sum of money was due to General Wilkinson, from the Spanish government at New Orleans, on account of his commercial transactions. This circumstance is deemed sufficient, to account for such parts, of said correspondence, as have been proved, which was apparently intended, to preserve the friendship of the officers and agents, of the Spanish power; to magnify the importance of General Wilkinson in their view; to secure his property then under their controul at New Orleans; and to facilitate its remittance from that place.

There is no proof before the court, that the letter said to be in cypher, bearing date the 22d of September, 1796, was actually written by General Wilkinson, and forwarded by him to Governor Gayoso, as said letter imports: on the contrary, the only witness who has testified on this point, does not pretend to the least knowledge of the fact; and all he pretends to know is, that said letter was put into his hands, by said Gayoso, who certified it to be a decyphered copy, of one written by General Wilkinson, and addressed to himself.

Strong doubts are entertained by the court, whether General Wilkinson ever directed the emissary, mentioned in said specifications, to lay before the Baron de Carondelet, and Governor Gayoso, the verbal observations alluded to in the first specification, because the court has no other proof, than the testimony of said emissary, whose general character, as to truth and veracity, has been impeached, by several creditable witnesses, and whose conduct before the court, while under the obligations of an

oath, was such as to render his allegations suspicious—because his testimony, in general, appears to have been given under the dominion of strong prejudices, if not malice—because the testimony of said emissary,* so far as it is applicable to the points in issue, is contrary to the most solemn assurances, both written and verbal, previously made, and uttered by him to various persons, even so recent as 1807—and because said testimony appears to have been voluntarily offered, after a lapse of many years; which in any case ought to be admitted with some caution, and much more so, from the character of the witness and emissary in question.

The court is of opinion, that the instructions to said emissary, alleged to be in the hand writing of Philip Nolan, (if any such were ever authorised by General Wilkinson) were mostly intended to accomplish an object, by no means criminal, which grew out of the dispute, at that time unfortunately subsisting, between him and the late General Wayne.

The records of this court will shew, that the witness† first alluded to, by two letters addressed to said emissary just before he exhibited his statement under oath, in January, 1808, and in contemplation of that statement, manifested such a decided hostility to said Wilkinson, as apparently to meditate his ruin without regard to the means. The motives of that statement, as fully explained in said letters, are sufficient to shake his credibility as an impartial witness; and considering his character, as to truth and veracity, is likewise impeached, the statement just mentioned, which is in evidence before the court, cannot be received as veracious, especially, as it is not supported by proofs of a more creditable nature. This statement, likewise, appears in some measure repugnant to the sentiments of the same witness, as expressed, nearly ten years before, in a memoir on the trade of Louisiana, and deposited in the office of state.

If, in 1795 and 1796, the said emissary, as is alleged by him, visited said Wilkinson, with a view of promoting

* Thomas Power. † Daniel Clark.

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a separation of the union; and if, as he intimates, said Wilkinson disclosed to him the whole scheme or project of dismemberment, it does not appear to the court, that said Wilkinson took any measure to aid such separation; on the contrary, a strong presumption exists, that, if he apparently listened to propositions of this nature, it was to advance his pecuniary interest, and not to injure that of his country.

The court cannot perceive any thing in the mission of said emissary, in 1797, to implicate General Wilkinson. This mission appears to have been undertaken with a view to two objects:—1st, the dismemberment of the western country from the Atlantic states—and, 2d, the delivery to General Wilkinson of an official despatch from the Baron de Carondelet, relative to the detention of the posts to the north of the 31st degree, contrary to the treaty previously concluded between the United States and Spain. If said emissary disclosed to General Wilkinson, the first object of his mission, it does not appear, even by his own testimony, that he favoured it: on the contrary, said emissary was received coolly, and confined to the quarters of the officers: the delivery of the posts according to treaty, was urged by said Wilkinson in conversation with him; and it likewise appears, that he sent said emissary under guard to Louisiana, and at the same time, instructed the officer commanding at Fort Massac, not to permit said emissary to return up the Ohio again, but to send him back, in case he made the attempt. On the second object, General Wilkinson, in his reply to the letter of the Baron de Carondelet, urged the fulfilment of the treaty, and endeavoured to remove all apprehension, of an invasion of Louisiana, by the English of Canada.

It appears sufficiently evident to the court, that General Wilkinson, during the time he had property in New Orleans, held the language of conciliation, if not that of a temporising policy, with the officers and agents, of the Spanish government; and his views appear to have been directed, to the security of that property, and by no means against the tranquillity of these states. But, subsequent

to 1796, at which time it is believed, he had drawn most of his property from New Orleans, and provision was made for the free navigation of the Mississippi, he seems to have changed his language. If said emissary is to be credited, General Wilkinson declared to him in September, 1797, that he had relinquished all intercourse with the Spanish government; and, at the same time, intimated his determination to oppose its projects. It must be remembered, that General Wilkinson was, at that time, at the head of the army, and that, while that station opened new, and safe, channels of communication, with the officers and agents of Spain, and multiplied the means of dismemberment, he appears to have disregarded them, and at the moment, too, when he had it in his power, to favour their designs with effect. It is pertinent to remark, that if attempts were made to corrupt, the patriotism and integrity of General Wilkinson, the records of this court exhibit no one act of his military life which can, by the most constrained construction, be considered as the effect of such corruption. If General Wilkinson actually formed a corrupt connexion, with the Spanish government, the repeated applications made by him, many years ago for an inquiry into his conduct, appear rather inexplicable—especially as many of the witnesses of his guilt, if he was guilty, then lived to testify on the subject.

After a full hearing of the evidence, both for and against the accused, on the third, fourth and fifth charges, and after the most mature deliberation thereon, the court is of opinion, that they are not supported, and therefore acquits, Brigadier-general James Wilkinson, of the said charges, and their respective specifications.

The impressions naturally made on the minds, of the citizens of these United States, by the events which gave rise to the third, fourth and fifth charges, justify a few explanatory remarks.

General Wilkinson, is said to have conspired with *known traitors*, and on this notoriety all the legal force of these charges depend. In the eye of the law, as well as

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of reason and humanity, every man is presumed to be innocent till proved to be guilty; consequently, there can be no *known traitor*, unless the proof be established, by the record of his conviction; and it is not within the knowledge of this court, that any *known traitor*, did exist in the space of time designated by these charges; no man, as it appears, having been convicted of treason.

As the accused has taken no exception, to defects of matter or form, and as a full investigation is desirable on all sides, the difficulty, which thus appears at the threshold of the inquiry, will be passed over.

The period of time embraced by these three charges, is between the commencement of March, 1805, and the end of October, 1806.

Among the last acts of that session, which terminated the Vice-presidency of Aaron Burr, will be found an act, erecting the territory of Upper Louisiana into a government, and soon after the close of that session, General Wilkinson was appointed its chief magistrate.

It is in evidence before this court, that the General engaged with great zeal in a scheme, to cause Aaron Burr to be elected a member of Congress, for the state of Tennessee; and after the failure of that scheme, he gave him warm introductions, to influential characters at New Orleans. It also appears in evidence, that one speculation was contemplated, for cutting a canal round the falls of the Ohio, on the Indiana side; another, for opening a commercial intercourse, between the territories of Spain and Upper Louisiana; and in all these schemes it is self evident, that their ultimate success was essentially connected, with the integrity and tranquillity of the union, as well as the prospect of permanency, in the General's newly acquired civil, and important, station; for a public commotion would have inevitably destroyed them all.

It further appears, in evidence before this court, that, after the failure of previous attempts, to gain a seat in Congress for Mr. Burr, General Wilkinson endeavoured to engage the Governor of Indiana, in a plan to cause him to be elected a delegate for that territory; and the

manner of doing this, implies an apprehension, that Mr. Burr would do some desperate act, if he failed. The expressions are, "I will demand from your friendship a boon, in its influence and effects co-extensive with the union; a boon, perhaps, on which that union may much depend."

It is in evidence before this court, that in the month of October, 1805, subsequent to this last and ineffectual effort to serve Colonel Burr, but twelve months before any discovery was made by any other person, General Wilkinson communicated to one of *the heads of department, his suspicions, that Mr. Burr "was about something, whether internal, or external, he could not discover, but, he thought, he ought to keep an eye upon him."* These facts, seem to be irreconcileable with any views, hostile to the peace, order, and integrity, of these United States.

Respecting the 5th charge, it ought to be remembered, that General Wilkinson was, by the order of government, at the head of an avowed expedition against the Spaniards, at the very time he is thus charged, with being concerned in a secret and criminal one; and, it is self evident, that he had it in his power, by a single skirmish only, to have carried such a scheme into the most complete effect, with the aid of the public force under his command, and with the probability of receiving the fruition of all his views, in case of success; with a certainty also, of suffering neither loss nor blame, in case of failure.—But it is evidence, before this court, that from the time of his leaving St. Louis, to the concluding convention near the Sabine, General Wilkinson was zealously, and incessantly employed, in effecting an honourable peace; and particularly, so, after the criminal views of Aaron Burr, were discovered by him at Natchitoches; it is, besides, a contradiction in terms, to say that General Wilkinson favoured those views, when it is avowedly owing to him, that they were discomfitted.

From the evidence adduced on the sixth charge, and its specification, both for and against the accused, the court is of opinion, that the written orders and instruc-

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tions from the war department, bearing date April 30th, 1809, relative to the removal of the troops from New Orleans, to the high grounds in the rear of Fort Adams and Natchez, were sufficiently explicit and imperative, to have authorised an expectation of a prompt obedience, had they reached New Orleans, prior to the removal of the troops, from that place to *Terre aux Bœufs;* but, as there is no evidence, that said orders and instructions, arrived at New Orleans, antecedent to the 14th of June, 1809, which was subsequent to said removal, the court acquits, Brigadier-general James Wilkinson, of the said sixth charge, and of the specification attached to the same.

After a full examination of the evidence, both for and against the accused, on the seventh charge, and after the most mature deliberation thereon, the court finds the accused not guilty of the said charge, nor any of its three specifications, and does accordingly acquit him of all and each of them.

On considering the great mass of testimony, which has been produced to this court, relative to this charge, there appears a decisive preponderance, in favour of the attention, activity, and humane exertions, of Brigadier-general Wilkinson; and, when it is considered, that the troops consisted mostly of new levies; that the climate, on both sides of the river Mississippi, to a very great extent, is at best insalubrious; and that the summer and autumn of 1809, were unusually sickly; the court is of opinion, that the misfortunes alluded to, in the second specification, are amply accounted for.

On the eighth charge, and its three specifications, (after hearing all the evidence, both for and against the accused, and due deliberation being had thereon) the court is of opinion, that Brigadier-general James Wilkinson is not guilty of said charge, nor any of its specifications, and therefore acquits him of all and each of them.

The court deems it necessary to offer a few remarks, in explanation of the above decision, especially as it regards the two first specifications to the eighth charge.

The transportation of the baggage of General Wilkinson, by the public, appears not to be prohibited by the "Act fixing the military peace establishment of the United States," nor by the rules and articles of war. It is, therefore, presumed, that his claim to transportation, is as equitable as that of other officers; and, in this view of the subject, the order for the payment of transportation, as mentioned in the first specification, cannot be considered by the court as a military crime—more especially, as the sum paid by the assistant military agent at Pittsburgh, appears to have been debited to General Wilkinson, as long ago as 1805, on the books of the accountant of the department of war.

The court cannot perceive, that the public sustained any injury from the short halt of the detachment on the Ohio, to take on board the horses of General Wilkinson; nor does it appear, that the public sustained any injury from the transportation of said horses, in public boats, to New Orleans.

It does not appear, in evidence, that General Wilkinson directed said horses, on their passage down the river, to be fed at the public expense; but it does appear in evidence, that General Wilkinson saved a quantity of public corn, which was sunk in the Mississippi, on board of a public boat, in front of his quarters at New Orleans; out of which, after he caused it to be removed on shore and dried, he detained two hundred and three flour barrels full, of said corn in the ear—and for which quantity he, afterwards, sent his receipt to Colonel Russell, under whose charge said corn was transported, from the Ohio to New Orleans, as will more fully appear, by reference to the testimony. The court is, therefore, of opinion, that, under all the circumstances of this case, the taking of said corn in the manner above stated, does not constitute a military offence, especially, as it appears not to have been claimed or regularly drawn, on account of forage.

On the whole, the court thinks it proper to declare, that, from a comparison of all the testimony, General

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Wilkinson appears to have performed, his various and complicated duties with zeal and fidelity, and merits the approbation of his country.

(Signed) P. GANSEVOORT, Brig. Gen.
President.

TEST,

(Signed) WALTER JONES, JUN.
Officiating as Judge Advocate.

The court then adjoured, *sine die.*

I HAVE examined and considered the foregoing proceedings of the general court martial, held at Fredericktown, for the trial of Brigadier-general James Wilkinson; and, although I have observed in those proceedings, with regret, that there are instances in the conduct of the court, as well as of the officer on trial, evidently and justly objectionable, his acquittal, of the several charges, exhibited against him, is approved, and his sword is accordingly ordered to be restored.

(Signed) JAMES MADISON.

February 14th, 1812.

The general court martial, of which Brigadier-general P. Gansevoort is president, is hereby dissolved.

By command of the secretary of war.

A. Y. NICOLL,
Aujt. & Inspector.

Conclusion.

The proceedings and termination of this prosecution, or more properly persecution, exhibit several facts, which deserve to be carefully examined, by every friend to republican institutions, because they expose the march of executive power, which, if not seasonably checked, by the interposition of the correlative branches of the national legislature, may, in process of time, trample under foot, the most precious rights of the American people.

Pending my trial, a notorious and vindictive enemy, Mr. Simmons, whose conduct is exposed in page 456, of this volume, and whose character is pourtrayed, by the evidence of three highly respectable witnesses, contained in the pages immediately following it, assuming the authority of a censor, not only passed severe strictures, on the proceedings of the court, and the testimony of the witnesses, but, "pendente lite," circulated the foulest calumnies, to excite prejudices against me, and employed the name of President Madison to give effect to his prejudgments; yet, notwithstanding I fully apprised President Madison, of this man's atrocious conduct, disgraceful as it was to the government, and cruel as it regarded myself, he was continued at his station, near the court, whence, true to his trust, he issued his daily slanders, and promoted his machinations, until their proceedings were closed, which put an end to his infamous labours.

It will be seen also, that, notwithstanding my most earnest and repeated applications, and the actual interference of the court in my behalf, two most material witnesses, viz. Colonel T. H. Cushing, and Major Z. M. Pike, were, on feigned pretences, refused to me; and yet, President Madison, who sanctioned this prosecution, on the issue of which he sat in judgment, with affected regret, but cool deliberation, most unjustly passes *a general censure*, on the conduct of the court, and the prisoner, whom he had failed to convict. Wherefore, this cruel and unwarrantable, *but impotent*, attempt, to stab

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the sensibilities of honourable men?—Because, I had dared, *in defence of my honour and my life*, to place upon the records of the court, irrefragable proofs, of the falsehood and perfidy of his secretary of war, the honourable William Eustis, whom, had he respected his own honour, the paramount claims of justice, and the public interest, he should have banished from his councils.

THE END OF VOL. II.

APPENDIX.

No. I.

DEPOSITION OF OLIVER POLLOCK.

Washington, Wednesday, 8th June, 1808.

The examination of Oliver Pollock, of the city of Baltimore, a witness summoned at the request, and on behalf of General Wilkinson, and the said witness being first duly sworn, in the manner and form prescribed by the rules and articles established by act of congress, for the government of the armies of the United States, was examined and, did depose as follows, viz:

Interrogatories exhibited by General Wilkinson.

Question 1.—Be pleased to state when you first visited Louisiana, your residence in that country from first to last, and your correspondence, connexion, and intercourse with the several Governors of the Province?

Answer.—I arrived in New Orleans in 1769; at that time General O'Reily had taken possession of the country. I arrived in the brig Royal Charlotte, with a cargo of flour for sale, at which period there was no flour in the colony for sale; the last that had been sold, I understood, was at thirty dollars per barrel. On my arrival I waited on General O'Reily, commander in chief. I resided in Louisiana, (that is, my general residence was there) my family and property being there, though I made several voyages of business from 1769 to 1790:—when I arrived in 1769, I offered General O'Reily my cargo of flour, knowing then that there was none in the colony; I requested the General to fix the price himself, which he declined; I then said, that as the King had 3000 troops there, and the inhabitants were in distress for flour, I did not mean to take advantage of that distress, and I offered my flour at fifteen dollars, or thereabouts, per barrel, which he readily agreed to; and observed that he would make a note of it to the King his master, and that I should have a free trade there so long as I lived, complying with the regulations of the country as usual; and I did enjoy that privilege, so long as I staid in the country.

The next Governor was Louis Unzaga, and I was introduced to him by General O'Reily, just before he left the colony, and the same intimacy subsisted with him, that I before enjoyed with O'Reily; and during the whole of his government, I supplied the country frequently with provisions, dry goods, and negroes.

The next Governor was John Bernardo de Galvez, who arrived there in the year 1777, or near it; and after some days I waited on Unzaga, just before he sailed, and observed to him, that as I had been introduced to him by General O'Reily, whose confidence I had, that if he thought I had merited the same confidence under his government, I requested him to introduce me to the new Governor, Don Galvez, to which he readily consented, and accordingly did so. After he had introduced me and got into his carriage at Don Galvez's door, he suddenly came out again, and observed to me, that he had forgot the principal part of his business, and that I must go in with him to Don Galvez again; upon which he observed to Don Galvez, that, as he (Don Galvez) was lately from the

court of Spain, he must know the intention of the court, whether they were going to take a part with Great Britain, or with France and the American rebels: observing at the same time, that if the court of Spain was going to take part with Great Britain, Oliver Pollock should not remain in the country twenty-four hours; but if the reverse, that they were going to take part with France, Oliver Pollock was the only man that he could confide in, in the colony, meaning as an English merchant. Unzaga was acquainted with this, because he had privately delivered me gunpowder out of the King's store, which I delivered to Colonel Gibson, in the American service, and part arrived at Fort Pitt.

In 1779, when Spain declared war, I had the honour to accompany Don Galvez and his army, against the forts of Massac and Baton Rouge. On that expedition Colonel Estevan Miro was second in command; from that time I was intimately acquainted with Colonel Miro, (who was afterwards Governor) both before and after he became chief.

After the interview between Don Galvez, Don Unzaga and myself, before spoken of, John Morales, who acted then as private secretary, and was afterwards Intendant of Louisiana, followed me to the door and called me in again; upon which Don Galvez entered into a long conversation, respecting General Washington and the American army. I being then in possession of a great deal of information, from the secret committee of congress, he appeared to have great satisfaction, and promised me his protection, as long as I remained in the colony; and after sundry other private meetings, he at last went so far as to disclose, that he was authorised, by the King of Spain, to render, in a private manner, every service in his power to the American Colonies, as circumstances might require, of which he was to be the judge. When Colonel Miro succeeded Don Galvez, which was in 1781, or 1782, I was recommended to him in the same manner as I had been recommended successively by the former Governors, to their successors, and I continued to enjoy the same confidence, during the whole of his government. All this is exemplified, in the several letters these Governors have written, in my favour, relative to my disbursements on account of the United States, and the state of Virginia, which are on file in the public offices.

Question 2.—Were you in New Orleans, pending General Wilkinson's intercourse with that city, and did you understand the nature of that intercourse?

Answer.—I met General Wilkinson in New Orleans in 1789, and as far as I recollect it was at Governor Miro's house, where we frequently dined together. I perfectly well understood the nature of General Wilkinson's intercourse, because I saw great quantities of tobacco rolled into the King's stores, which I was informed by the Governor, the Intendant, and the Contador, were sent thither by General Wilkinson, being sold by him to the government.

I had tobacco brought on my own account down the river about the same time, and sold it to the government. I was therefore interested in making enquiry, respecting the tobacco I saw rolled into the King's stores, and upon which I received the above information. Governor Miro told me, that if the business for supplying the King's stores with tobacco, by General Wilkinson, had been better conducted, or more fortunately conducted, he should have made a great deal of money by it, (or words to that effect) as well as General Wilkinson, by which I understood that he (Governor Miro) was to have a certain portion of the profit, in the nature of a commercial transaction; and I was told the same by Mr. Conway, the brother-in-law of Governor Miro.

Question 3.—Did you ever hear in New Orleans, of any sinister connexion between General Wilkinson and the Spanish government of Louisiana, tending to affect his honour or the interests of the United States?

Answer.—Never.

Question 4.—From your confidential standing with Governor Miro and the superior officers of that government, do you believe such a connexion could have existed without your knowledge?

Answer.—I think it barely possible, but highly improbable.

Question 5.—Was not the sending money out of the province interdicted by law, and did not the attempt subject it to be seized by any officer of the crown, unless it was specially licensed by the Governor or Intendant?

Answer.—I have known a great deal of money seized on that account, and particularly in the case of John Duncan, and others, while General Wilkinson was at New Orleans.

Question 6.—Did you understand that General Wilkinson had made large shipments of tobacco from Kentucky, which were received into the royal magazines, and paid for from the royal treasury, and have you any idea of the extent of his shipments and receipts?

Answer.—They were very considerable, but I cannot ascertain the amount.

Question 7.—Did you know the late Daniel Clark, esquire, of New Orleans, and were you acquainted with his circumstances in the years 1785, 6 and 7?

Answer.—I was particularly acquainted with him, and did business with him; with respect to his circumstances, at the periods mentioned, I cannot answer.

Question 8.—Did you understand the said Clark, was the agent or co-partner of General Wilkinson, and at what time was this?

Answer.—I so understood it when I saw General Wilkinson in New Orleans, and also that the late Daniel Clark was his agent, before he came down in 1789.

Question 9.—Do you recollect when this connexion ceased, and did you understand whether a difference had taken place, between General Wilkinson and the said Clark, in the summer of 1789?

Answer.—It was some time in the summer of 1789; the difference was such, that they did not speak when they met.

Question 10.—Do you know who afterwards acted, as the agent of General Wilkinson?

Answer.—No.

Question 11.—Did you know in what manner money was drawn from the treasury of Louisiana, and could it be done by the Governor at his will?

Answer.—The Governor, the Intendant, and Contador, had each a key, which keys were checks one upon the other, and as each key belonged to a separate lock, no money could be taken out without using all three, as far as I understood.

Question 12.—Was the Governor furnished with money, except through the treasurer of the province, and are not all monies delivered at the treasury?

Answer.—Yes, the Intendant and Contador are both checks upon him.

Question 13.—Are you acquainted with Daniel Clark, now of Congress, and at what time did you become acquainted with him?

Answer. Yes, but not intimately.

Question 14.—In what capacity did he act?

Answer.—When I knew him first, he lived with his uncle as his clerk.

Question 15.—Did you hear any thing from General S. Smith, of a conversation held by him with Daniel Clark, now of Congress, respecting General Wilkinson, in the winter and spring of 1806 and 7? and if so, be pleased to state particulars.

Answer.—Towards the latter end of the session before the last, I happened to pay a visit to General Smith, at his lodgings in this city, when I found him alone, and after some conversation respecting my own business, he asked if I was at New Orleans, when General Wilkinson was there; I said yes: He asked me if I was well acquainted with him; I said I was: he then asked me if I knew of his receiving any money there; I said I did, and that he had received a great deal there, as well as myself, for tobacco; upon which he asked if I had ever heard there, of his receiving any money as a pension, or, as pay from the King of Spain; I told him I never did, and since I had heard it here, I never believed it. He then immediately said, he was glad to find that Daniel Clark and I agreed so well, both having so good opportunities. I think he mentioned that; but says General Smith, Mr. Clark goes farther than you, because he tells me that he has examined the private books; upon which I told General Smith, that I held it extremely proper for him to take, a minute of the conversation between him and Mr. Clark; he said he should do so. I asked General Smith, when he had that conversation with Mr. Clark, and as well as I recollect, he said it was yesterday or the day before.

Question 16.—Did you see the said Daniel Clark, on his route from Richmond to Philadelphia last autumn, and had you any conversation with him, respecting General Wilkinson? be pleased to state it.

Answer.—No.

Question 17—What is the general character of the said Clark?

Answer.—I knew but little of his character, as he was but a young man then living with his uncle.

Question 18.—Did you ever receive money from the Spanish government for secret service? and if you did, be pleased to state the circumstances.

Answer.—Yes, I received seventy-four thousand dollars, at different times during the revolutionary war, as very secret service money; it was for the use of the United States; I received it as their agent, but chiefly on my own credit, and I received it generally in the night, and generally by the hands of John Morales, Don Galvez's private secretary. The way that I then found out, that the Contador and Intendant were necessary to concur was, that, although I thought then, that only Don Galvez and Morales knew of the payments, so secretly made to me, after one of these payments, both the Intendant and Contador said to me the succeeding day, "so Pollock, you got money the last night from the treasury."

Question 19.—Was the late Daniel Clark considered a man of opulence, and did he possess influence with the Spanish government of Louisiana, in the years 1785, '86 and '87?

Answer.—I cannot answer, I was not there then.

Question 20.—Did General Smith ever inform you, that in speaking with Daniel Clark, respecting the injurious reports, of General Wilkinson having received monies, or a pension from the Spanish government, for corrupt purposes, that the said Clark referred to any particular date or year, or to any particular sum?

Answer.—No, I understood that Mr. Clark had spoken generally.

Question 21.—Had you any particular reason, for desiring General Smith to commit to writing, what Clark had said to him respecting General Wilkinson? and if so, be pleased to state it.

Answer.—My principal reason was, that as Mr. Clark had to return to New Orleans, and some accident might happen to him, this information might, at some day or other, be of service to the United States, or to General Wilkinson.

Question 22.—Did you not understand that the late Daniel Clarke, was considerably indebted to Governor Miro, when you were in New Orleans?

Answer.—I heard so from Morris Conway, brother-in-law to Governor Miro; I do not recollect the amount, but it was a considerable sum, which arose from the purchase of some negroes, as I understood.

Question 23.—Did you not understand that the said Clark was also indebted to John Barclay, of Philadelphia, about the same period?

Answer.—Yes, John Barclay told me so himself in Philadelphia, but I do not recollect the amount. It was a considerable sum.

Question 24.—At the time referred to in this deposition, viz. in the year 1790, did you hear in New Orleans, that General Wilkinson had a considerable quantity of tobacco condemned? if so, be pleased to state from whom you heard it, and the particular circumstances?

Answer.—I heard it, and was confirmed in it by one of the inspectors. From this circumstance, when I was delivering my own tobacco, one of the inspectors said to me "I hope your tobacco will turn out better than General Wilkinson's." I said, I hope so too, for I had before heard that General Wilkinson's tobacco was condemned, and lodged in the King's store, on account of damage, arising from its having been wet or being in a sweat.

OLIVER POLLOCK.

Friday, 10*th June*, 1808.

The witness, Oliver Pollock, again appeared in court according to adjournment, and the following additional interrogatories were put by General Wilkinson:

Question 25.—Did you speak the Spanish language, and if so, where did you acquire it, and where did you make your first acquaintance with General O'Reily?

Answer.—It was at the Havanna, in the year 1763, that I began to learn the Spanish language, and in about eighteen months of assiduous study, with the constant practice of mercantile transactions, in an eminent house to which I was attached, I became master of it, so as to do all my business without an interpreter. At this time I was introduced to General O'Reily, by father Butler, President of the Jesuit's College, and a relation of General O'Reily, as I understood, who in this and many other instances, honored me with an almost paternal friendship.

Question 26.—Have you ever held dealings and commercial transactions, with the officers of Spain of high rank, and for your mutual benefit and advantage?

Answer.—Yes, I frequently received from officers of Spain of high rank at the Havanna and in Louisiana, but particularly in the latter country, sums of money which they called their own, as an advance to help me in trade. This I repaid from time to time as they called, either for articles for their own consumption, in which I dealt, or supplies of cash, and I gave them a portion of the profit I made in trade, in consequence of these advances; but the settle-

ment of this profit, and their proportion of it, was always left to my own decision, and I was honourably treated by them on all occasions.

The Judge Advocate then cross-examined the witness, who did further depose as follows:

Question 1.—How long did Don Miro continue Governor; who was his successor, and were you equally confidential and intimate with his successor as with himself; or had you any, and what intimacy, intercourse or correspondence with the Spanish government of Louisiana, or any of the superior officers of that government, after the year 1790?

Answer.—Don Miro was Governor when I left New Orleans in the year 1790, and had been so for a number of years preceding, as stated in my answer to the first question.

Question 2.—Had you ever any knowledge of the existence of an association of persons within the United States, commonly designated the Kentucky Spanish Association, or of their connexion or correspondence with the Spanish government or its officers, and did you derive any such knowledge from the confidential communications of any of the Spanish officers in Louisiana, and which of them?

Answer.—Never.

Question 3.—Did you ever learn while you were in Louisiana, from the confidential communications of the Spanish officers, (or by what other means) that any citizens of the United States residing within the same, were pensioners to the Spanish government, or carried on any, and what illicit or criminal intercourse or correspondence with that government, or its officers or agents?

Answer.—Never.

Question 4.—Do you think from your footing with the Spanish government of Louisiana, or with any of its confidential officers, that if any citizens of the United States had been bribed, to enter into any combination or connexion, adverse to the interests, or contrary to the laws and constitution of the union, you would have been confidentially informed of it, by any of the Spanish officers?

Answer.—I think from the confidential intimacy I had with the Governor and all the Spanish officers, that I should have known it; and being an agent of the United States, I should have thought it my duty to have communicated it to government.

Question 5.—Were you acquainted with one Thomas Power, and one Thomas Portell, or either of them, and their employment or agency under the Spanish government of Louisiana; and please state what were their characters and agency?

Answer.—I was not acquainted with either of them.

Question 6.—Were you acquainted with the manner of keeping the books, in which disbursements of money for secret service, under the Spanish government of Louisiana, were accounted for; by what officer or officers were such accounts kept, and in what manner; and suppose you had wished to discover who, if any, were the American pensioners to the Spanish government, to what officer would you have applied, and in whose custody would you have expected to find, what are called the secret service money books?

Answer.—I am not acquainted with any of the forms as to keeping books, but if I wished to obtain such information, I should apply to either the Governor, the Intendant, the Contador, or the Treasurer.

OLIVER POLLOCK.

Wednesday, 15th June, 1808.

The witness, Oliver Pollock, again appeared in court according to adjournment, and the following additional interrogatories were put by General Wilkinson:

Question 1.—Had you any interest in the tobacco, said to be sold by General Wilkinson to the Spanish government, or any other connexion with General Wilkinson, at the time of your residence in New Orleans, before or since?

Answer.—Never any; neither interest nor connexion before, then nor now.

Question 2.—Had you any other motive, except that which you have assigned, for advising General Smith to commit, Clark's communication to him respecting General Wilkinson to writing?

Answer.—Yes, I had. Notwithstanding no accident might happen as to D. Clarke's personal safety, yet some might happen to affect his memory as well as that of General Smith's. This struck me at the moment General Smith mentioned that "Clark and I agreed so well;" and considering it a matter of such importance to the United States, I thought that it was best for General Smith to commit it to writing.

Question 3.—When and how did you hear, that General Wilkinson had obtained permission, to bring down tobacco from Kentucky, to be sold to the King of Spain?

Answer.—I was deeply interested in the information, that General Wilkinson had obtained permission to bring down tobacco, wishing to have that exclusive privilege myself, and I immediately went to Governor Miro, to ask the cause of the tobacco coming down the river in large quantities, as I was informed: whereupon he told me that he had consented for General Wilkinson to bring down tobacco, in hopes to pacify the Kentuckians and people of the western country, to prevent a rupture between Spain and America, and in order to give time for negotiations, between the two powers, relative to the navigation of the Mississippi.

OLIVER POLLOCK.

No. II.

EXTRACTS OF LETTERS TO GENERAL JAMES WILKINSON, FROM PHILIP NOLAN,

Who was killed by the Spaniards in the province of Texhas, during the summer of 1800.

New Orleans, 6th April, 1791.

My dear General.—Swain has just arrived.—Holmes is on the wing, and I have scarce time to inform you that *I am wholly yours*, until I do the business of this season, and then I shall visit St. Antonio.

The King, in future, will take but 40 hhds. from Natchez—the quality was so bad that he could not dispose of it, and the Natchez planters are totally ruined.

I hope all your tobacco of this season will be admitted into the royal magazine. Don Andre tells me the province will fall short 400 hhds. of the two millions.

This day I will speak to the Governor and the Secretaries, about a contract for the supply of Mexico, and if any thing can be done, I will send an express through the woods. I have already mentioned it to Don Andre, but he gave me no hopes. I will, however push the matter.

S. Ford is here yet. I have only paid him 1200 dollars *in all*—the proceeds of the tobacco by that sleepy soul Thomas.

If you do not send down as much tobacco as I can get in, I will purchase for you here—there will be enough at market.

I know not the language of compliment, but rest assured, your prosperity is intimately blended with the happiness of

PHILIP NOLAN.

Frankfort, June 10, 1796.

I flatter myself, my dear General, you have put the most favourable construction on my long silence. The friend and protector of my youth I can never forget; but ungenerously suspected for a spy by the Mexicans, and even by your old friend Gayoso, I cautiously denied myself the pleasure of addressing you. A letter from a trader in horses, to a General of the federal armies, would have confirmed suspicions that were nearly fatal to me;—arrived at length in the land of liberty, I feel a pleasure in giving you, the earliest testimony of my affectionate remembrance.

Governor Miro informed you, that he had given me the necessary papers, for my security in Mexico. They did not answer his or my expectation, and I was soon spoken of as a spy. I was not imprisoned, but I was cheated out of all my goods, and in less than one year, reduced as poor as any Indian who roams the forest. Disappointed, distressed, tired of civilisation, and all its cares, I was about to abandon it forever; the freedom, the independence of the savage life, was always congenial to my nature, and I left the Spaniards, and wandered among the Indians, that live between the Illinois and St. Antonio: this life, however, I found less pleasing in practice than speculation. I was a favourite with the Tawayes and Cammanches;—successful in the chace, victorious in little feats of activity, but I could not altogether *Indianfy* my heart;—the ties that bound me to society, memory supported—I was a debtor—I had been the only hope of a fond parent—Morality at length prevailed, and after two years lost, in these savage wanderings, I returned to the Spaniards, determined to make another exertion.——I shall not at present intrude on your attention, by a minute recital of my little adventures. I turned hunter; sold skins; caught wild horses, and made my way to Louisiana, with 50 head. At Orleans, I was received as a person risen from the dead—protected by the Baron. Returned again to St. Antonio, and purchased and caught 250 head. I lost a great part of those by the *yellow water*; sold the best at Natchez, and arrived here yesterday with 42 head.

I lament, there is none of these worthy your saddle. I had one, I had called your charger, as white as snow, all obedience, but was the first carried off by that cursed distemper. I shall, however, take over a dark bay, 5 years old, well broke; and next spring, bring you one fit for a warrior.

So soon as I can get your's, and one to ride in tolerable order, I will visit you. In the mean time, present me affectionately, to Mrs. Wilkinson and Biddle, and believe me to be, sincerely, your's,

PHILIP NOLAN.

New Orleans, April 24, 1797.

My dear General.—After the receipt of my last letter, Newman told me he would give me a narrative of the whole horrible transaction—that the agents* you had employed, quarrelled with him, and that he was disposed to extort money from them. "Now my health declines—I feel I shall not live—I will unravel the whole mystery. Wilkinson knows nothing of the business—he did not put the proper questions to me. The plan originally was, not to ruin him—he was not spoken of—it was after my return that they thought of it."

The unfortunate devil got a stroke in the breast last winter, which has caused a consumption; he fell sick the day he determined to give me a faithful narrative of what he had done, and the evil practices of ——— party. I left him in a very low state, perhaps he is dead; I have not heard, however, when I despatch my boat from this place; I will set out by land, and be able to meet it at the mouth of Red River, after spending ten days at Natchez. If he is alive, I will get all out of him. He told me, that for his sake, he wishes the whole published, but that no part, prior to his imprisonment, concerns you; "that they did not think of ruining you until he was confined." He is an unprincipled villain; but I do think that he is now inclined to tell the truth.

The Governor has had intelligence, that the British intend passing through the American territory, to attack the Illinois; and this he makes a pretext for not delivering the post, or running the line.

I have got such a passport, that I apprehend neither risk nor detention; I have instruments to enable me to make, a more correct map than the one you saw; Ellicott assisted me in acquiring a more perfect knowledge of astronomy and glasses; and Gayoso himself has made me a present of a portable sextant. My time piece is good. I shall pay every attention, and take an assistant with me, who is a tolerable mathematician.

If danger continues to hang over this province, the Baron will continue in command. Gayoso succeeds him; and the Baron's destination, is the province of Quito, in South America.

Gilbert Leonard, has wrote you several letters; and yesterday he told me, that you had not acknowledged the receipt, of the money he remitted to you by me, last spring. I wished to procure you the balance, and remit it by this conveyance: but the danger of seizure here, and the privateers, is so great, that Gilbert dissuaded me from it. He writes you by this opportunity.

I will write to you again from Natchez, by land. Minor's brother sets out next month. I shall take ten good riflemen with me to St. Antonio. The Indian Camanches and Appachees, are at war with the Spaniards, and I calculate on a little fight.

Adieu, my dear General; do write to me every opportunity, to the care of George Cochran, Natchez, or Daniel Clark, Orleans.

(Signed) PHILIP NOLAN.

Major-general Wilkinson.

Natchez, July 21, 1797.

My dear General.—I have not been able to do any thing in your claim against Reed and Ford: all their accounts and sales at this place, are jumbled toge-

* *Alluding to Thomas Power.*

ther; and it is difficult to ascertain the profit on the first adventure. I think, however, your proportion will be, at least, one thousand dollars.

As you did not advance the one third cost of "future adventures," I fear you cannot recover more than one fourth of the profits on the 2400*l.* 11*s.* 6*d.* At present, we have no law here; indeed, if we had, I have no power from you to undertake a suit. Lewis West, and Cribbs, took charge of the last letters; I wrote also, by the Negus, and a short letter by Newman. West had charge of Newman's communications, and my correspondence with him.

I left Orleans last month. We have been in a continual apprehension of a war with the United States; and I thought it prudent, to defer my journey to St. Antonio, until we had some prospect of peace.

The President's Speech, is not altogether pacific; but I have determined to set out to-morrow: I take with me 7000 dollars worth of well assorted merchandise—in all, we muster twelve good rifles, and there is but one coward of the party. The Baron has given me every necessary credential; and, in my passport, he says, it is important to the Royal service, that I meet no embarrassment. I shall return to this place, in December; pass the winter here, and proceed to Kentucky, in the spring. Gayoso is, at length, appointed Governor-general, and will leave this place, for New Orleans, in a few days. Grand Pré, is appointed Governor of Natchez, by the King.

Blue eye, no doubt, has already made you acquainted with Gayoso: he is a vile man, and my implacable enemy; yet, he treats me with attention. During the commotions here, he wrote to the Baron, requesting, that he would not permit me to leave Orleans—"he will take an active part against us; he is popular, and enterprising; secure him."—Under the same cover, he subscribed himself my friend; and, but a few days before, made me a present of a sextant. The Baron knows him, and has done all in his power, to secure me from his vengeance. I have, however, my fears; and, I may yet be obliged to shoot the monster, with a poisoned arrow.

What do you think of Ellicot? he professes great friendship for me. Will we have a war? At all events, I can cut my way back, and you may calculate on me.

Farewel, my dearest friend; I go, confident of success. If you knew how much I am interested in every thing that concerns you, you would not neglect to write to your NOLAN.

General James Wilkinson.

No. III.

DEPOSITION OF SAMUEL P. MOORE.

New Orleans, March 6, 1810.

Sir.—In answer to your letter of yesterday, although desirous of avoiding being brought forward with any declarations for the public, against a man of Mr. Clark's influence and disposition, I find myself bound to state to you, all that I know, relative to your enquiries.

About the latter end of the year 1801, or the early part of 1802, having seen publications, and heard reports, of your being a Spanish pensioner, I mentioned the subject to Mr. Daniel Clark, jun. of this city, expecting, that from his

knowledge of your tobacco transactions with his uncle, and the Spanish government, he could inform me, whether there existed any foundation for such reports, accompanying my enquiries with this remark, "if the General has ever received pay from the Spanish government, he could never have had any intention but to dupe them:" to which Mr. Clark's reply was, "pob, pob, those reports are damn'd calumnies," or words to that import. About this same time, I used to converse on this subject with Mr. Gilbert Leonard, the Spanish Treasurer, using the same remarks, and his answers were to the same amount. With regard to Mr. Clark's remarks, relative to his uncle, I wish you to dispense with my giving any declaration thereon, inasmuch as his opinion of the character of his uncle, can, in no wise, be essential to your justification.

On the subject of what was confided to me, by Philip Nolan, deceased, this gentleman, when last in this city, in the month of May, or June, 1797, after offering me a concern with him, in the privilege he had obtained (as he stated) from the Baron de Carondelet, to trade and bring out horses from the province of Texhas, did tell me, "that he had obtained proper passports and strong recommendations from some of the priests here, to those of that country." I asked him how he had made out to procure those advantages. He said, "through General Wilkinson's recommendation to the Governor: that the Baron expected him to make discoveries, and give him plans and information of the country he should explore; but," said Nolan, "I shall take good care to give him no information, unless such as may be calculated to mislead him. Whatever discoveries I can make shall be carefully preserved for General Wilkinson, for the benefit of our government. As to myself" said Nolan, "I have already rendered myself popular among those *Ouatchinangos*, and I shall study to render myself more so. I look forward to the conquest of Mexico by the United States; and I expect my patron and friend, the General, will, in such an event, give me a conspicuous command:" he added, "that he would endeavour to penetrate towards the sea-shore of that country and discover, where ports might be found; that unless for the danger of the Osage Indians, he could, by a short route, take his horses to Kentucky, by the way of the Illinois country."

Being intimately acquainted with the hand writing both of Mr. Clark and of P. Nolan, deceased, I shall wait on you according to your request to examine the same.

I am, with consideration and respect,
Dear sir, your obedient servant,

SAMUEL P. MOORE.

General James Wilkinson.

I do solemnly declare to the truth of the preceding statement.

SAMUEL P. MOORE.

[Sworn to before J. Mather, Mayor of New-Orleans, March 15, 1810.]

No. IV.

LETTER FROM THOMAS POWER, TO GENERAL WILKINSON.

New Orleans, February 6th, 1803.

Dear Sir.—Your favour of the 16th of last month, was handed to me, by our friend, Captain Shaumburgh. Believe me, sir, it was an unexpected pleasure

to me. I was under the apprehension that length of time, combined with occupations of the most serious nature, and the active and uninterrupted pursuits to which your exertions and attention seem to have been directed, since I had the satisfaction of seeing you last, had erased from your memory long ago, the remembrance of such an unimportant individual as myself: to be remembered by you, is an unequivocal proof that I hold a place in your esteem, and perhaps, in your friendship; and to rank among the friends of a person of such distinguished merit as General Wilkinson, must confer honour and inspire a noble pride, by impressing the conviction of the possession of no small degree of personal merit. It is with heartfelt satisfaction, that I learn you still take an interest in what regards my happiness, and thank you for your good wishes. I may repeat, with you, that my life has been an incessant itinerary; but there is this difference between us, that if your's has been toilsome and painful, mine has been attended with equal difficulties and greater risks; your's, if not profitable, has, at least, been honourable; mine has been equally unprofitable, and unaccompanied with any advantage. It is true, I have been at the sources of those streams, through which the treasures of the new world flow, and empty themselves into channels through which they are conveyed and spread over the rest of the globe; but it was merely to experience the sufferings of Tantalus, and return home with my pockets lighter than when I set off; for I have not, as yet, been reimbursed the expenses of the trip. I must here observe, that our rulers, who have always availed themselves of my easy and active disposition, and my willingness to serve the public, have such a perfect idea of distributive justice, that they have hitherto divided things equally betwixt us: to themselves and their minions, they have modestly assigned every honourable and lucrative employment; and generously indulged me with every adventurous and unprofitable drudgery. I believe, they dread the sincerity and pertinacity of my character. They cannot discover that ductility, that fawning disposition in me, which tamely yields up the natural right of reasoning: every thing that surrounds or approaches them, must humbly bend to their absurd and illiberal caprices. The greatest part of these wretches, have sprung from the very dregs of society, and have carried the taint and dirt that they were bred in, into the upper regions of life; and, as I cannot shut my eyes on their ignorance, their meanness, their gross and vulgar vices, and their disgusting vanity, they are determined to depress and crush me, and let me linger out my life in poverty. I stand in the midst of them, like Reuben's picture of famine, in the gallery of Luxembourg, surrounded by opulence and power.

Captain Shaumburgh, has succeeded with the Governor and Intendant, in the ostensible part of his mission. I accompanied him on a visit to Morales, and acted as his interpreter. Notwithstanding all our representations on his late measures, he would not recede from what he had done; however, your remonstrance, through Shaumburgh, has not been altogether thrown away; it seems to have brought the man to a pause, and made him relax from his former resolution, as you will see by the enclosed copy of his proclamation, by which he tolerates the introduction of flour, &c. Although this at first sight, may appear a salutary appeasing measure, it may, eventually, prove to be a measure, that will counteract its own design, and augment the very flame it is intended to extinguish. Prudence forbids me giving this idea a full developement in writing. I have conversed largely on the subject with Shaumburgh, and communicated my sentiments to him, which he will lay before you; they will, per-

haps, place in an entirely new point of view, and such as you would never have imagined, the present state of affairs, relative to this province. I shall only add, that they are not mere conjectures. I am, however, afraid that Shaumburgh's memory will not serve him with fidelity, and that he will forget some points that it would be proper, you should be acquainted with, before you descend, which, I hope, will be soon, and then we may, without restraint, unbosom ourselves to one another. Morales, disclaims having received any orders from Court, to act in the manner he has done; and asseverates, that his conduct has been dictated solely, by the construction he puts on the treaty, and his zeal for the interest of his master. It is really curious to hear a man, who certainly is possessed of more than common discernment, hold such language. However, it may be so; but I much doubt it. This is a subject that opens a vast field for conjecture. The crazy, tortuous, vacillating politics of our Court, baffle the common rules of political prescience, and even elude the grasp of conjecture. All the measures, all the acts of government, that flow from Madrid, appear to be the offspring of imbecility, and weakness; they commence with folly and ignorance, and will infallibly terminate in disgrace and ruin. Our *great man* on the other side of the Atlantic, open and explicit, has left us no doubt, by all his actions (the French and American treaties inclusive) that he is not a thinking animal: he is a coarse wind-instrument, in the hands of designing fools and knaves, which they set to what tune they please, and play upon, as folly dictates, or interest suggests; and the cacophony they produce, is a melancholy proof, that the silly instrument, is frequently touched by unskilful hands. Suffer me to indulge a few reflections, that the gloomy and degraded situation, of our once mighty monarchy, and the degeneracy of its rulers, naturally offer. It would be extremely happy for slaves, (and as such we must consider ourselves) who, by the decrees of Providence, are destined to obey, if they were always governed by men, of liberal minds and enlightened understandings; (for, if the mind has lost the relish for freedom, or never possessed it, they may then be slaves, without being miserable ones) but, the misfortune is, those, who, by the contingency of human affairs, are born to govern, are generally incapacitated for their station, by the mode of their education, and frequently, by their total want of any; and others who are lifted up by almighty hand, chance to be our directors, are as little qualified to enlighten our darkness, and correct our irregularities. What a pity it is, that the mind does not sympathise with fortune, and expand with station: that, when lifted up by favour and protection, uninfluenced by real merit, with one gigantic step, from the obscure and lower ranks of life, to be Kings, Ministers, Governors, Intendants, &c. we do not rise in dignity, as we do in power, and look down with scorn, and honest indignation, on the little, base means, of amassing wealth, which indigence and want, must practise for a livelihood!!! for, it may be surmised, that some remote prospect of lucre, some criminal intent on schemes of plunder and extortion, in the disguise of *amor del servicio*, lurked in the bosom of some of our rulers, and dictated the late measures of our administration. But, it is woefully too true, that neither fortune, nor station, confers any mental prerogative: they may add to our vanity, but will never enlarge our understanding, nor reform the depravity of our nature. Blockheads and knaves, in the shades of the valley, are not much wiser or more honest, when basking on the summit of the hill. Every time I see old Governor Square-toes, or think of another great and sacred personage, a passage, I have frequently read in

some ancient writers, naturally forces itself on my mind. The Cheronean sage, or Strabo, one of the two, I recollect not which, as well as Herodotus, Pomponius Mela, and others, relates, that a certain nation, in the interior parts of Lybia, the Proemphanes, elected the largest dog in their country, for their King, or ruler; but took peculiar care, to choose the wisest men in the kingdom, to be the ministers of the mastiff monarch. Our almost African nation, seems to have acted with less wisdom, and have neglected this salutary precaution. Poor wretch! I know not, whether he is most an object of pity, or contempt; he certainly would be the former, were he capable of seeing his situation; but, happily for him, he is as blind to his own insignificancy, and degradation, as the man who called for his spectacles, to behold a mountain. In short, to resume the whole, he may be a kind of feeling machine, but, he certainly is not a reasoning being. When I first took up my pen, to write to you, I purposed confining myself, to briefly replying to your letter. Little did I think, of intruding on the importance of your time, with these tedious, and perhaps, unseasonable effusions; but, as they naturally flow from the contemplation of the subject, I had to treat of, I trust, your indulgence will find an apology for the troublesome intrusion, and hope, you will approve the motive, and pardon the manner.

Captain Shaumburgh, has had the talent, of commanding the esteem of our great men here, and of gaining the friendship and affection, of all those who are acquainted with him. New Orleans, during the carnival, is a new scene to him; where business, pleasure, and the gay votaries of the Cyprian goddess, alternately solicit his attention, and occupy his time. However, it is but justice to say, that, though gay and impetuous, he has not yet suffered himself to be entangled in the seductive snares of these syrens, and has, with the mithridate of reason, bid defiance to the bewitching allurements, of our love inspiring Creoles.

Shaumburgh will inform you, that the task of extracting, from the general register of land warrants, (concessions) of such as fall within the American line, has been proposed to, and accepted by me. I have deferred stipulating, what shall be the salary allowed for the labour, until your arrival at this place. It requires not even a shadow of genius, or talents, to execute it; but this consideration, I hope, will not be taken as a basis, which ought to regulate the gratification for this labour. What ought to be taken into view, and considered as a principle, by which the compensation ought to be regulated, is, that the work is, in its nature, tedious, dry and ungrateful; and the general register, from which the extracts are to be made, is the palladium of the greatest part of th property of the inhabitants of this province, and therefore, can be trusted, only, to a person of known integrity, and honour, who must abandon other important personal avocations, to give himself entirely up to this. I lay these observations before you, because I am given to understand, that the business concerns, solely, the United States, and is undertaken at your request, and consequently, that you will be the person, who will have to determine, what shall be the salary. However, your well known liberality, and generosity, leaves me without any sort of inquietude on this head.

I long for the moment, that will bring us together. I have a budget of arcana, to disclose to you. I am sorry, that my humble, indecent dwelling, forbids me requesting you, to take up your quarters, under my roof, during your abode in this place. Poverty is certainly a misfortune, but not a crime: I am almost

resigned to my fate. Fortune does not seem disposed to revert her wheel, and make me compensation for her frowns. I once neglected the golden opportunity, which, probably, never will return; and now, see no hopes, that the fickle goddess, will ever relax in her severity to me. I wish you better success, and believe me, could my wishes be of any avail, you should be rolling on heaps of gold; for, I respect your virtues, admire your understanding, reverence and esteem your character, and shall ever be proud of your friendship, not only as an honour, but as an ornament. Whenever inclination may prompt, and leisure permit, I shall be happy to hear from you.

It is time that I should conclude this uninteresting scrawl. I shall, therefore, refer you to Shaumburgh, for such political and domestic news, as is at present, in circulation.

I shall thank you, to forward the enclosed to Minor, by the earliest opportunity: it is of importance to me, that he should receive it immediately. I trust, that it is superfluous in me, to assure you, that you may freely command me, at all times, and upon all occasions, and that you will always find *un ami à tout épreuve* in

Your most obedient humble servant,

THOMAS POWER.

Brigadier-general James Wilkinson.

No. V.

DEPOSITION OF DANIEL CLARK.

In obedience to the direction of the House of Representatives, expressed in their resolution of Friday last, I submit the following statement.

I arrived from Europe at New Orleans, in December, 1786, having been invited to the country, by an uncle, of considerable wealth and influence, who had been long resident in that city. Shortly after my arrival, I was employed in the office of the secretary of the government. This office was the depositary of all state papers. In 1787, General Wilkinson, made his first visit to New Orleans, and was introduced, by my uncle, to the Governor, and other officers, of the Spanish government.

In the succeeding year, 1788, much sensation was excited, by the report of his having entered into some arrangements, with the government of Louisiana, to separate the western country from the United States; and this report acquired great credit, upon his second visit to New Orleans, in 1789. About this time, I saw a letter from the General, to a person in New Orleans, giving an account of Colonel Connolly's mission to him, from the British government in Canada, and of proposals made to him, on the part of that government, and mentioning his determination, of adhering to his connexion with the Spaniards.

My intimacy with the officers of the Spanish government, and my access to official information, disclosed to me, shortly afterwards, some of the plans, the General had proposed to the government, for effecting the contemplated separation. The general project was, the severance of the western country from the United States, and the establishment of a separate government, in the alliance, and under the protection of Spain. In effecting this, Spain was to furnish

money and arms; and the minds of the western people, were to be seduced, and brought over to the project, by liberal advantages resulting from it, to be held out by Spain. The trade of the Mississippi, was to be rendered free, the port of New Orleans, to be opened to them, and a free commerce allowed, in the productions of the new government, with Spain, and her West India Islands.

I remember, about the same time, to have seen a list of names, of citizens of the western country, which was in the hand writing of the General, who were recommended for pensions, and the sums were stated, proper to be paid to each, and, I then distinctly understood, that he, and others, were actually pensioners of the Spanish government.

I had no personal knowledge, of money being paid to General Wilkinson, or to any agent for him, on account of his pension, previously to the year 1793, or 1794. In one of these years, and in which I cannot be certain, until I can consult my books, a Mr. La Cassagne, who, I understood, was post-master, at the falls of Ohio, came to New Orleans, and, as one of the association with General Wilkinson, in the project of dismemberment, received a sum of money, four thousand dollars of which, or thereabout, were embarked by a special permission, free of duty, on board a vessel, which had been consigned to me, and which sailed for Philadelphia; in which vessel, Mr. La Cassagne, went passenger. At and prior to this period, I had various opportunities, of seeing the projects, submitted to the Spanish government, and of learning many of the details, ftom the agents, employed to carry them into execution.

In 1794, two gentlemen, of the names of Owen, and Collins, friends and agents of General Wilkinson, came to New Orleans. To the first, was entrusted, as I was particularly informed, by the officers of the Spanish government, the sum of six thousand dollars, to be delivered to General Wilkinson, on account of his own pension, and that of others. On his way, in returning to Kentucky, Owen was murdered by his boat's crew, and, the money, it was understood, was made away with, by them. This occurrence, occasioned a considerable noise in Kentucky, and contributed, with Mr. Power's visits, at a subsequent period, to awaken the suspicion of General Wayne, who took measures to intercept the correspondence of General Wilkinson, with the Spanish government, which wore not attended with success.

Collins, the co-agent with Owen, first attempted to fit out a small vessel, in the port of New Orleans, in order to proceed to some port, in the Atlantic states, but she was destroyed by the hurricane of the month of August, of 1794. He then fitted out a small vessel, in the Bayou St. John, and shipped in her, at least, eleven thousand dollars, which he took round to Charleston.

This shipment was made, under such peculiar circumstances, that it became known to many, and the destination of it, was afterwards, fully disclosed to me, by the officers of the Spanish government, by Collins, and by General Wilkinson himself, who complained, that Collins, instead of sending him the money, on his arrival, had employed it in some wild speculations, to the West Indies, by which he had lost a considerable sum, and, that in consequence of the mismanagement of his agents, he had derived but little advantage, from the money paid on his account, by the Spanish government.

Mr Power, was a Spanish subject, resident in Louisiana, and the object of his visits to the western country, became known to me, in 1796, when he embarked on board the brig Gayoso, at New Orleans, for Philadelphia, in company with Judge Sebastian, in which vessel, as she had been consigned to myself, I saw

embarked, under a special permission, four thousand dollars, or thereabout, which I was informed, were for Sebastian's own account, as one of those concerned in the scheme of dismemberment of the western country.

Mr. Power, as he afterwards informed me, on his tour through the western country, saw General Wilkinson, at Greenville, and was the bearer of a letter to him, from the secretary of the government of Louisiana, dated 7th or 8th of March, 1796, advising, that a sum of money, had been sent to Don Thomas Portell, commandant of New Madrid, to be delivered to his order. This money, Mr. Power delivered to Mr. Nolan, by Wilkinson's directions. What concerned Mr. Nolan's agency in this business, I learned from himself, when he afterwards visited New Orleans.

In 1797, Power was entrusted with another mission to Kentucky, and had directions, to propose certain plans, to effect the separation of the western country from the United States. These plans were proposed, and rejected, as he often solemnly assured me, through the means of a Mr. George Nicholas, to whom, among others, they were communicated, who spurned the idea of receiving foreign money. Power then proceeded to Detroit, to see General Wilkinson, and was sent back by him, under guard, to New Madrid, from whence he returned to New Orleans. Power's secret instructions, were known to me afterwards, and I am enabled to state, that the plan then contemplated, entirely failed.

At the periods spoken of, and for some time afterwards, I was resident in the Spanish territory, subject to the Spanish laws, and without an expectation of becoming a citizen of the United States. My obligations were then to conceal, and not to communicate, to the government of the United States, the projects and enterprises, which I have mentioned, of General Wilkinson, and the Spanish government.

In the month of October, of 1798, I visited General Wilkinson, by his particular request, at his camp, at Loftus's heights, where he had shortly before arrived. The General had heard of remarks, made by me, on the subject of his pension, which had rendered him uneasy, and he was desirous of making some arrangements with me, on the subject. I passed three days and nights, in the General's tent. The chief subjects of our conversation, were the views and enterprises of the Spanish government, in relation to the United States, and speculations, as to the result of political affairs. In the course of our conversations, he stated, that there was still a balance of ten thousand dollars, due him, by the Spanish government, for which, he would gladly take in exchange, Governor Gayoso's plantation, near the Natchez, who might reimburse himself, from the treasury at New Orleans. I asked the General, whether this sum was due, on the old business of the pension—he replied, that it was, and intimated a wish, that I should propose, to Governor Gayoso, a transfer of his plantation, for the money due him, from the Spanish treasury. The whole affair, had always been odious to me, and I declined any agency in it. I acknowledged to him, that I had often spoken freely, and publicly, of his Spanish pension, but told him, I had communicated nothing to his government, on the subject. I advised him to drop his Spanish connexion. He justified it, heretofore, from the peculiar situation of Kentucky, the disadvantages that country laboured under, at the period, when he formed his connexion with the Spaniards, the doubtful, and distracted state of the Union, at that time, which he represented as bound together, by nothing better than a rope of sand; and, he assured me,

solemnly, that he had terminated his connexions with the Spanish government, and that they never should be renewed. I gave the General to understand, that, as the affair stood, I should not, in future, say any thing about it. From that period, until the present, I have heard one report only, of the former connexion being renewed, and that was in 1804, shortly after the General's departure from New Orleans. I had been absent, for two or three months, and returned to the city, not long after General Wilkinson, sailed from it. I was informed, by the late mayor, that reports had reached the ears of the Governor, of a sum of ten thousand dollars, having been received by the General, of the Spanish government, while he was one of the commissioners, for taking possession of Louisiana. He wished me to enquire into the truth of them, which I agreed to do, on condition, that I might be permitted to communicate the suspicion to the General, if the fact, alleged against him, could not be verified. This was assented to. I made the enquiry, and satisfied myself, by an inspection of the treasury book, for 1804, that the ten thousand dollars had not been paid. I then communicated the circumstance, to a friend of the General, Mr. Evan Jones, with a request, that he would inform him of it. The report was revived at the last session of congress, by a letter from Colonel Ferdinand Claiborne, of Natchez, to the delegate of the Mississippi territory. A member of the House iuformed me, that the money in question, was acknowledged by General Smith, to have been received, at the time mentioned, but that it was in payment for tobacco. I knew, that no tobacco had been delivered, and waited on General Smith, for information, as to the receipt of the money, who disavowed all knowledge of it, and I took the opportunity of assuring him, and as many others as mentioned the subject, that I believed it to be false, and gave them my reasons for the opinion.

This summary, necessarily omits many details, tending to corroborate and illustrate the facts, and opinions, I have stated. No allusion has been had, to the public explanations of the transaction referred to, made by General Wilkinson, and his friends. So far as they are resolved into commercial enterprises and speculations, I had the best opportunity of being acquainted with them, as I was, during the time referred to, the agent of the house, who were consignees of the General, at New Orleans, and who had an interest in his shipments, and whose books are in my possession.

DANIEL CLARK.

Washington City, January 11, 1808.

[Sworn to before William Cranch, Chief Judge of the Circuit Court, of the District of Columbia.]

No. VI.

EXTRACT FROM DANIEL CLARK'S MEMOIR, TO SECRETARY PICKERING.

New Orleans, 18th April, 1798.

In this situation, things continued, till the latter end of the year 1787, when Diego Gardoqui, who was then Spanish chargé d'affaires, in the United States, mortified, that he had not hitherto participated in the profits of this trade, as

he continued to do, by one means or another, in that of all the other Spanish colonies; and roused to resentment, by finding, that his agents in Philadelphia, could not get to themselves, the consignments from New Orleans, notwithstanding various hints given by them, to the captains, and supercargoes, who traded to Philadelphia, he, through their means, procured information of the names of the vessels, their captains, and owners, real, or pretended, in Orleans, and forwarding this intelligence, to Louisiana, with a severe reprimand to the Intendant, for having so long winked at it; informed him, that he had likewise advised the court of these proceedings, and so worked upon his fears, that, under the apprehensions of losing his place, if he did not, apparently, recur to severe measures, he pursued, with a seeming indiscrimination, and unrelenting severity, all those, against whom pointed information had been given, seized the ships on arrival, confiscated the cargoes, and imprisoned the captains, crew and owners, against whom processes were instituted, as contraband traders, and, as such, they were all condemned to the mines, for a certain number of years: but here, the spirit of the government, and the effects of venality, were apparent.

The favourites, of all those with whom the officers had connexions in business, escaped, either by bringing proofs, which were supposed strong enough to invalidate those, adduced by the minister with the United States, or, by giving them previous notice, of the danger, by which means, and by orders given to the commandant of the Balize, to favour them, some vessels were not permitted to enter; and others, which had already entered, but had not got up to town, were permitted to put to sea, with such part of their cargoes, as they could not safely put ashore, among the plantations; and, the owners having ordered them to foreign ports, to be disposed of, pretended, that they were lost on the voyage, and that they were ignorant of any thing which had happened, since their leaving New Orleans.

This business, on being published, in the United States, brought a considerable degree of odium on the Spanish minister, as it put a stop, for a time, to a trade, which brought in a great deal of cash; and a paper, written in New Orleans, and addressed to the people in Philadelphia, with the intention of being printed there, having been handed about, it so inflamed their minds, that a proposal was made, by a flour merchant, to have the person, pointed out as Gardoqui's agent, and the author of the misfortune, tarred and feathered; which would have been put in execution, were it not for the prudence of a few persons, who were fearful of the consequences, that might result to the author, who was well known to Gardoqui, and who never pardoned him for it. The person, against whom well grounded suspicions were entertained, of having given Gardoqui his intelligence, was ————, and to avoid such risk from him, in future, on the renewal of the trade, many were induced, to address their vessels to him—guided by the same principle, on which certain nations of Indians, offer sacrifices to the devil.—This renewal of the connexion, took place, early in the succeeding year of 1788—when Orleans, being reduced to ashes, the government, in order to relieve the inhabitants, contracted for flour, to be purchased in the United States—for which, it advanced money; and, to induce the contractors, to deliver it as cheap as possible, it gave permission to them, to introduce, what quantity of merchandise they pleased, on paying the usual duty. The minister, finding that his information, made him enemies in the United States; that the government of Louisiana, seized the opportunity, offer-

ed by the fire, to return all the confiscated property, to the former owners, whom they had, long before, though after their condemnation, liberated from prison; and, that this conduct, was approved by the King, to whom a representation, in favour of the parties, was made, by all his officers in Louisiana; and, that no benefit, would accrue to him, from continuing to give such advices, in future, he desisted from further attempts; and, his agents, partly induced, by motives of personal safety, and partly, by coming in for a share of the profits of the business, did all in their power, to augment the intercourse, which encreased annually, and was always carried on, in the old way, without risk, from that period, to the year 1792—when, by the indulgence of the Baron de Carondelet, who was then Intendant, the trade was relieved from the embarrassment it lay under, and laid open, in the same manner, as that to France, and her West India islands.

This measure, as well as many others, which were of utility to the country, he took upon himself; often, directly in opposition, to the orders from the minister of finance, in Europe; and, on his representations, to his Catholic majesty, his conduct was generally applauded. It may not be improper, to remark here, that I have mentioned, that in 1787, the crews and owners, of many vessels, were, indiscriminately, condemned to the mines; that such is the practice in Spanish courts, but it is rarely carried into execution, unless, where resistance has been made, and blood shed; they are, however, detained in prison some time, and then suffered to escape; the goaler returns them as run-a-ways, or dead, if they are obliged to leave the country, and the affair is hushed up; it being well known to all parties, how the thing is effected; some of those who were imprisoned and condemned, in Orleans, were immediately liberated, and even suffered to command other vessels, on making a small change, or addition in their name; and, it even once happened, that a man, once confined here, for contraband trade, who was given out as dead, and as such, returned on the list of prisoners, went to court, had a revision of his process, which he gained, and procured, in order to have it restored—when he first presented himself, he was looked on, as an imposter, but, having identified his person, HIS STORY CAUSED A LAUGH, but, nothing ensued to the injury of those, who had attempted the imposition; in fine, if a man suffers in such a business, his crime must be aggravated by murder, and then, he is only sent to the mines, if devoid of FRIENDS OR MONEY, TO BRIBE HIS JUDGES.

About the period, of which we are now speaking, in the middle of the year 1787, the foundation of an intercourse, with Kentucky, and the settlements of the Ohio, was laid, which daily increased; *previous to that time, all those who ventured on the Mississippi, had their property seized, by the first commanding officer whom they met; and little, or no communication, was kept up between the countries.* Now and then, an emigrant, who wished to settle in Natchez, by dint of entreaty, and solicitation of friends, who had interest in New Orleans, procured permission, to remove there, with his family, slaves, cattle, furniture, and farming utensils, but, was allowed to bring no other property, except cash: an unexpected incident, however, changed the face of things, and was productive of a new line of conduct. The arrival of a boat, belonging to General Wilkinson, loaded with tobacco, and other productions of Kentucky, is announced in town, and a guard was immediately sent on board of it. The General had hindered this being done at Natchez, as the commandant was fearful, that such a step, might be displeasing to his superiors, who might wish to shew some respect,

to the property of a general officer; at any rate, the boat was proceeding to Orleans, and they would then resolve on what measures, they ought to pursue, and put in execution. The government, not much disposed, to shew any mark of respect, towards the General's property, he not having, at that time, arrived, was about proceeding, in the usual way of confiscation; when a merchant in Orleans, who had considerable influence there, and who was formerly acquainted with the General, represented to the Governor, that the measures, taking by the Intendant, would, very probably, give rise to disagreeable events; that the people of Kentucky, were already exasperated, at the conduct of the Spaniards, in seizing on the property, of all those who navigated the Mississippi; and, if this system was pursued, they would, very probably, in spite of congress, and the executive of the United States, take upon themselves, to obtain the navigation of the river, by force, which they were well able to do; a measure, for some time before, much dreaded by this government, which had no force to resist them, if such a plan was put in execution. Hints were likewise given, that Wilkinson, was a very popular man, who could influence the whole of that country; and probably, that his sending a boat before him, with a wish that she might be seized, was but a snare, laid for the government, that he might have an opportunity, at his return, to inflame the minds of the people; and, having brought them to the point, he wished to induce them to appoint him their leader, and then, like a torrent, spread over the country, and carry fire and desolation, from one end of the province, to the other.

Governor Miro, a weak man, unacquainted with the American government, ignorant, even of the position of Kentucky, with respect to his own province, but alarmed at the very idea, of an irruption of Kentucky men, whom he feared, without knowing their strength, communicated his wishes to the Intendant, that the guard might be removed from the boat, which was accordingly done; and, a Mr. Patterson, who was the agent of the General, was permitted to take charge of the property on board, and to sell it, free of duty. The General, on his arrival, some time after, informed of the obligation he lay under, to the merchant, who had impressed the Governor with such an idea, of his importance, and influence at home, waited on him, and, in concert with him, formed a plan, for their future operations. In his interview, with the Governor, that he might not seem to derogate from the character given of him, by appearing concerned, in so trifling a business, as a boat load of tobacco, hams and butter, he gave him to understand, that the property belonged to many citizens of Kentucky, who, availing themselves of his return, to the Atlantic States, by way of Orleans, wished to make a trial of the temper of this government, as he, on his arrival, might inform his own, what steps had been pursued, under his eye, that adequate measures, might be afterwards taken, to procure satisfaction. He acknowledged, with gratitude, the attention and respect, manifested by the Governor, towards himself, in the favour shewn to his agent; but, at the same time, mentioned, that he did not wish the Governor to expose himself to the anger of his court, by refraining from seizing on the boat and cargo, as it was but a trifle, if such were the positive orders from court, and that he had not a power to relax them, according to circumstances. Convinced, by this discourse, that the General rather wished for an opportunity, of embroiling affairs, than sought to avoid it, the Governor became more alarmed; for, two or three years before, particularly since the arrival of the commissioners, from Georgia, who had come to Natchez, to claim that country, he had been fearful of

an invasion, at every annual rise of the waters, and the news of a few boats being seen on the Ohio, was enough to alarm the whole province; he revolved in his mind, what measures he ought to pursue, (consistent with the orders he had from home) to permit the free navigation of the river, in order to keep the Kentucky people quiet; and, in his succeeding interviews with Wilkinson, having procured more knowledge, than he had hitherto acquired of their character, population, strength, and dispositions, he thought he could do nothing better, than hold out a bait to Wilkinson, to use his influence, in restraining the people from an invasion of this province, till he could give advice to his court, and require further instructions. This was the point, to which the parties wished to bring him; and, being informed, that in Kentucky, two or three crops were on hand, for which, if an immediate vent was not found, the people could not be kept within bounds, he made Wilkinson the offer of a permission, to import, on his own account, to New Orleans, free of duty, all the productions of Kentucky; thinking, by this means, to conciliate the good will of the people, without yielding the point of navigation, as the commerce carried on, would appear the effect of an indulgence to an individual, which could be withdrawn at pleasure. On consultation with his friends, who well knew, what further concessions, Wilkinson could extort, from the fears of the Spaniards, by the promises of his good offices, in preaching peace, harmony, and good understanding, between Spain and America, he was advised to insist, that the Governor should insure him a market, for all the flour and tobacco, he might send, as, in the event, of an unfortunate shipment, he would be ruined, whilst endeavouring to do a service to Louisiana; this was accepted; flour was always wanted in Orleans; and the King of Spain, had given orders, to purchase more tobacco, for the supply of his manufactories at home, than Louisiana, at that time, produced, and which was paid for, at about 9½ dollars per cwt. In Kentucky, it cost about two, and the profit was immense; in consequence, the General appointed his friend, Daniel Clark, his agent here, returned by way of Charleston, in a vessel, with a particular permission, to go to the United States, even at the very moment of Gardoqui's information; and, on his arrival in Kentucky, bought up all the produce he could collect, which he shipped, and disposed of, as before mentioned; and, for some time, all the trade for the Ohio, was carried on, in his name—a line from him, sufficing, to insure to the owner of the boat, every privilege and protection, he could desire. On granting this privilege to Wilkinson, the government came to a resolution, of encouraging emigration, from the western country; and offered passports, to all settlers, with an exemption of duty, on all the property, they might bring with them, invested in the produce of the country, they came from. Under the denomination of settlers, all those, who had acquaintances, with a few persons of influence, in Orleans, obtained passports; made shipments to their address, which were admitted, free of duty; and, under pretence of following, shortly after, with their families, continued their speculations; others came, with their property, had lands granted them, which, after locating, they disposed of, and, having finished their business, they returned to the United States; a few, only, remained in the province, and they were the people, who, in general, availed themselves least, of the immunities, granted by government; they possessed a few slaves and cattle, but had little other property, and they generally settled among their countrymen, at the Natchez, and increased the cultivation of tobacco, at that time, the principal article, raised for export, in the district. This

encouragement given to emigrants, and speculators, opened a market, for the produce of the Ohio. Flour was imported from Pittsburgh, *and the farmers, finding a vent for all they could raise, their lands augmented in value, their industry increased, and they exported, annually,* to Louisiana, for some time past, from 10 to 15,000 barrels of flour, for which they generally find a ready market. When the first adventurers began to purchase, flour was to be had, from 18 to 20 shillings, Pennsylvania currency, per barrel, on the Monongahela, but, was of a very bad quality, and was only made use of for biscuit, or in times of scarcity—it gradually improved, and in 1792, the best kind, was supposed equal, to that manufactured in Philadelphia; but, being put up negligently, does not keep so long, and for that reason alone, is not so much esteemed as Philadelphia flour.

No. VII.

LETTER FROM COL. DANIEL CLARK, TO GEN. WILKINSON.

Clarksville, March 28th, 1798.

Since I had the honour of writing to your excellency last, I received a letter from my nephew Dan, who has been doing business in New Orleans, with reputation, and I hope success, since your last visit to this country, desiring, I would solicit your interest, with the executive of your nation, to appoint him Consul at New Orleans, where he now, at the desire of Mr. Ellicott, and Captain Guion, acts as Vice-Consul.

Daniel is a young man of nice honour, and as a trader, of fair character, extremely well affected towards the United States. He speaks Spanish and French; and, from a natural aptitude, and an experience of ten years, he has acquired great commercial knowledge, and a general acquaintance with the people, with whom he is a favourite.

Since the alliance, between Spain and France, took place, many of the American vessels, have been captured by the latter, that were brought into the port of New Orleans, for condemnation. He, warmed by a patriotic zeal, and desirous to render every service in his power, to the country in general, and to the owners of those captured vessels, in particular, stepped forward as a volunteer, to defend them; and his diligence, and exertions, have been generally attended with success.

Those qualifications, and those dispositions, induce him, and me, to hope, that he may, with propriety, offer himself, a candidate for the office. If it should appear so to you, may I respectfully request of you, my dear friend, to exert your friendly interest, on his behalf. Your friends, and your influence in the senate, and with the president, must be weighty, and I have no doubt, Dan will succeed, if your excellency will move in his favour.

No. VIII.

LETTER FROM COL. DANIEL CLARK, TO GEN. WILKINSON.

Clarksville, November 3d, 1798.

I wish to eat my next Christmas dinner, with Governor W....n..n, at New Orleans.—Great God! cannot this work be effected? I tell you, Sir, I will car-

ry a Brown Bess on my shoulder, with a youthful agility, to assist on that glorious occasion; Dan will help with activity—Dick will help with all his soul, and ——— says, she will make lint; so you have the family of the Clarks, truly at your devotion; I will also make the poor black fellows useful to you. I tell you, General, you must take New Orleans, ere a permanent tranquillity can reign in the United States, or agriculture and commerce, can flourish. These are objects, I am solicitous to see accomplished, ere I attain, my three score and ten; from which, you know, I have but three or four years to run.

No. IX.

LETTER FROM COL. DANIEL CLARK, TO GEN. WILKINSON.

Natchez, May 30th, 1799.

This once gay, little place, is now gloomy and sorrowful, for the departure and absence, of their truly beloved General. It would flatter you too much, to be informed of those favourable impressions, which you have, by your candour, affability, and military conduct, made on the minds of all classes, young and old, of this territory; and their prayers are most fervently offered, to the fountain of honour and eternal happiness, to conduct you in safety, to head quarters, and that your masters may know, and reward your merits.

I have been at Concord yesterday—guess what were my sensations, on meeting with your beloved Ann, who burst into tears, and obliged me to quit her apartment, to avoid the briny contagion. Jane* spent the day with her.—Sense of honour, sense of duty, and her affection, for her adored husband, she hoped, in a few days, would conquer her grief; and, that she would afterwards prepare to restore her health, and injured constitution, for her family's sake, and your's. May God preserve you, my dear General, and bring you to us in safety, and loaded with honourable marks of your government's esteem.

No. X.

[*The original letter referred to, was delivered to the General Court Martial, and a copy of it has not been furnished by the office, though applied for by me; I therefore substitute the following, from the same gentleman, breathing the most affectionate sentiments, and replete with interesting matter.*]

LETTER FROM COL. DANIEL CLARK, TO GEN. WILKINSON.

Natchez, April 20th, 1799.

Dear General.—Your letter of yesterday, I received this evening, precisely at 7 o'clock. It is no cause of surprise to me, that you are invited to the seat of government, because I know, that your perfect knowledge of military matters, of the situation of this country, and the north western country, the importance and interests of both to the United States, renders it essential, that you should be of the council, where those objects are to be discussed, and that from the

* *Mrs. Clark.*

aid of your sentiments, and opinion on certain national points, light will be reflected, which will tend to obviate the difficulties, that at present cloud and embarrass the minds of those, now at the helm of our affairs—and I hope, my dear General, when you are at head quarters, you will pay some attention to the population, prosperity, and interests of our territory. We are a frontier country on every side, and an attention to us is due, preferable to the interior and back countries, of this astonishing republic—how painful must it be to every pure citizen of our government, to see valuable and wealthy emigrants, cross the line of demarcation, and obtaining lands in the Spanish government, gratis, because, from their own government, none can be had for love or money. I am persuaded, it would be the interest of the United States, to grant to families, moving to this territory, their head right of land; and, if they wished for more, to sell them the quantity called for, not exceeding 2000 acres, at two dollars per acre, payable in three years. As your express is now waiting, and I do not wish to detain him, I cannot enlarge on this subject. But, I hope to have the happiness of seeing you e're your departure.

My dear General, my heart is extremely susceptible of friendship. I have disinterestedly, contracted one for you, and your amiable family, and be assured, it is not of the bastard or capricious kind, it is unalterable, consequently, shall take pleasure, in rendering to your dear lady, every service in my power.

Mr. Rees's house, I mean the one I bought of him, is at the devotion of Mrs. Wilkinson, until you return, rent free, and until then, the attentions of Mrs. Clark, and myself to the family, and every comfort or consolation we can administer to it, during that painful period, shall be done with cordiality and cheerfulness. I fear, my dear friend, General Hamilton will keep you near him—I would, if I was in his station, and knew your abilities as well as I now do. May the Almighty ever preserve you, is the prayers of Jane and myself—she desires her most friendly and affectionate regard to Mrs. Wilkinson—I do the same. Believe me, your affectionate

DANIEL CLARK.

His Excellency General Wilkinson.

No. XI.

LETTER FROM COL. DANIEL CLARK, TO GEN. WILKINSON.

Belvidere, March 8th, 1800.

Dear General.—Fatigued with my morning cough, I went to bed about eleven, in hopes of some repose; ere I awaked, your letters, and your roll of gazettes, arrived. This dirty weather tends to keep me low, and mortified, that I cannot enjoy the pleasure of your conversation. Our right reverend father of Baltimore, speaks favourably of Mr. O'Brien, who may then be supposed to be, the character, and the man we wish for.

You have been long in possession of my sincere regard, esteem, and affection, and were you to render me ten thousand services, they could not augment it;

your friendship for Dick,* by an exertion of your influence, with administration, in procuring him a commission, is a fresh instance of your kindness to the Clarks. I hope Dick will not dishonour his friend's recommendation; that my namesake,† will feel it as I do, and be grateful, as I am.

The old lady, who is not well, joins with me, in unfeigned, pure, and sincere wishes, for the happiness, the health, and the honour of the family, at Concord.

I am, my dear General, unalterably, your

DANIEL CLARK.

P. S. You see I am not able to write.

His Excellency General Wilkinson.

No. XII.

LETTER FROM COL. DANIEL CLARK, TO GEN. WILKINSON.

(No date.)

My dear General.—Your note alarms me, I hope Mrs. Wilkinson, is not dangerously indisposed—I hope nothing new has occurred, to cause you to wish so injuriously to your friends, your family, and country.

I know, your present state of mind, is occasioned by the inevitable separation, so near at hand, and in which I do, from the bottom of my soul, sympathise with you. I do not like to go near you; my heart is too susceptible of pain even here; when I reflect on the scene I have to pass through, I cannot controul those unmanning appearances, of which I am often ashamed.

Mrs. Clark, and Richard, wait on Mrs. Wilkinson and you, to-morrow morning, at 7 o'clock. I shall have the pleasure of seeing you—and I hope to find your lady in tolerable spirits, and yourself, at least affectedly gay: for, if you say one gloomy word, or utter a single complaint, I shall fly from you, and drop my tears in the woods.

Fare you well, my dear friend.

DANIEL CLARK.

No. XIII.

LETTER FROM COL. DANIEL CLARK, TO GEN. WILKINSON.

New Orleans, June 6th, 1788.

My dear General.—By the bearer, Mr. Bar, I send you duplicates, of my letters, of 17th, 24th April, of the 6th, 7th, 12th, and 13th May, by Mr. Barbre; since, nothing has occurred, worth relating, except, that several persons have lately arrived here, from Kentucky, Cumberland, and Post St. Vincent; and have obtained permission, to return to this province again, and to bring with them their effects, in any commodity they please, paying a duty of 25 per cent. for all that they sell. Negroes, utensils, provisions for two years, clothing for families, that settle among us, are exempt from duty, and we hope, that the

* *The brother of my worthy friend, Mr. D. Clark.*

† *My present slanderer, and persecuter.*

duty of 25 per cent. will shortly be reduced to 6; because, the settlement of this province, is an object, which government has much at heart, and wishes to promote. I do not like those kind of permissions, at present; perceiving, very plainly, that they have a tendency to injure you in your purchases above; and I intend to mention it to the Governor, in hopes he may take it into consideration. But, I do not see how he can prevent it, if the people will agree to pay the duty.

We have no news of your boats; the Governor, and Mr. Navarro, are very uneasy, that the latter cannot carry home with him, a sample of the Kentucky tobacco.

His excellency assured me, this morning, that if your tobacco did not arrive, before the 20th instant, it must remain at your risk, in the King's warehouse, until December; however, if it comes in all this month, I hope it will be received, and paid for immediately, at the rate of $10 per cwt.

Mr. Navarro, will sail in Mr. Maxant's ship, about the 10th inst. He often speaks of you, and always with professions of friendship, and esteem.

My dear General, turn my Virginian demands into tobacco, and send it to me in good strong chalans, or flats, well manned, (I would not wish to lose my ship for want of a little tar) in the month of December, or January, at farthest. That would be a fine season likewise, to send down butter, pork, hams, hogs' lard, and tallow, which, if well laid in, and are of good quality, will yield a handsome profit.

1000 barrels of pork, would annually sell here, at ten hard dollars per barrel; and, by my calculation, that price would answer very well.

Do not forget my blacksmith, carpenter and overseer; and, if you can get me a negro blacksmith, who may be called a good country workman, buy him for me—I do not limit you in price. I intreat you will get me a stud horse, of the qualities, described in my letter, of the 13th of last month.

A certain gentleman here, says, you promised to make him rich. I expect, you will make Clark and Rees rich, likewise, by introducing them to your respectable neighbours, and influencing them to address their house, whenever they may have business to transact at this place.

We have had but very few vessels in, since the fire, and wines, and all other goods, are amazingly scarce and dear. We are told, that General St. Clair, is to hold a treaty with the Indians, this summer, at Post St. Vincent. If he should come down this way, give him a letter to me. I now daily look for three vessels from Philadelphia; if your boats should come down, at the same time that they arrive, we shall have our hands full. I am about selling my house, because it retains a sum too large, for my little capital to have laying dormant, when it ought to be actively employed. If I thought you would come to this place, I would keep it for you, because, at present, it is the best house in town. Fire and chance, have given us, in point of situation, a favourable pre-eminence, over every other part of the town. My intention is, to retire to my lands, as soon as I am able to commence a planter, in such a degree, as always to afford me a decent dinner, and a glass of good wine, at that repast. Mrs. Clark and Dan, join me, in very affectionate and respectful compliments, to Mrs. Wilkinson, yourself, and the young gentlemen. I am, my dear friend, with all sincerity of heart and soul,

Your affectionate friend, and most humble servant,

DANIEL CLARK.

No. XIV.

LETTER FROM DANIEL CLARK, JUN. TO GEN. WILKINSON

New Orleans, 5th May, 1803.

Dear Sir.—I have not been mistaken in my conjectures, respecting the prefect; he is vain and presumptuous, and can be easily put off his guard—his conduct does not increase public confidence in him, and I flatter myself, that on the arrival of the Marquis de Casa Calvo, there will be a rupture between them. I will venture to assert, there must be one in a month after he lands, should Victor delay so much longer. My reception was polite, but I believe, he looks on me with a jealous eye; he has spoken of me as a man of talents, but they are not the kind to please him, and whatever they may be, will not be exerted in his service. I injure him more than he imagines; and, were it possible, would conjure up devils to oppose him.

He has paid visits to all the Americans, and while weak, and void of force, talks of friendship and amity; but, that restlessness and impatience, so natural to Frenchmen, will not permit him to conceal his plans. He, has already, talked of mountains, as natural boundaries, and the advantages to be gained by the western people, by the occupation of this country by the French.

Young, of Point Coupée, who is shortly to be our neighbour, dined with him, and this kind of conversation, was repeated to him. I am not sufficiently intimate with Young, to question him on the subject. I could not attempt to get any thing confidentially from him; but, I recommend to you to sound him, and induce him to make the drift of the conversation known to his neighbours, to set them, and by their means, others on their guard, against these insinuations. He often talks of Natchez, as having been settled by the French, and was much disappointed at hearing, there were few, or none, in it. He reads our newspapers, and the toasts drank at the dinner, given by the Militia Officers, affected him.—Like all other Frenchmen, he looks on every thing he sees in our papers, as indications of the dispositions of the government; and, I believe, is fearful, that *Cannon* may be used, as well as toasted. He asked your nephew, whether there were any at Natchez, as they talked about them, and was answered, that there were not; but, that we had a number of very fine pieces at the heights; and his chagrin, on learning that our sentiments, through the states, are not absolutely French, cannot be concealed. Even the common reports about town, touch him; and either he, or one of his satellites, has written a piece on story-telling, in the last Moniteur, which shews where he winces. There is, fortunately, in it, an indirect attack, at some privileges granted by Victor, to Roustan, his protége; and this latter, has written an answer, which I shall endeavour to get him to have published, in one of our papers, in order that a down right quarrel, may ensue. When I get the copy of the answer, I will forward it to you, with the Prefect's piece, which gave rise to it, and I will point out the allusions.

He is daily making demands of the government, and has, at last, met with a severe rebuff, it having refused to put him in possession of the plans and archives of the province, which he has been told, must be kept, to be delivered only to the General. The rope walk, has been put in requisition, and, I hope, it will not be the only thing; as I do not, apparently, own it, I can say nothing openly, but I make great use of it, to show the regard that will be had to pri-

vate property—the demand was not made directly, by the Prefect, of the individual who appears as owner, but came in the shape of a request, from the Governor, at his instigation, and it could not be refused. I shall, when I get a good and safe opportunity, forward under cover, to you, my last letter, to the secretary of state; and, after having read it, recommend you to forward it, and the inclosures, to Mr. Dunbar, that he may see how matters go on, and what I am doing; and then wish it may be carefully sealed, and forwarded, by way of duplicate, by post, to the secretary, for fear of accident to the original, which went by sea. From my letters to Governor Claiborne, you will perceive, the views on the Indians, are not laid aside. I have just heard, that Forbes, of Pensacola, has gone into the nation, and, it is supposed, on government business—his own dealings, can furnish him with a good excuse; but, I can scarce think, interest can so far get the better of principle, as to induce him to come into French measures—it will, however, be well to watch him, for fear of the worst. News from Europe, to the 4th March, make no mention, of the sailing of the French fleet; and, the affairs of St. Domingo, are in so bad a way, that I begin to hope, we may have a little respite on that account. Although the Prefect's proclamation, has procured him two or three addresses, be assured, they proceed not from the heart.—People generally fear, and detest the new government, but they are called on, and must say something, consequently, must flatter. The address of the citizens, was written by Derbigny the interpreter; left at *Fortier's*, to be signed, and those who did not voluntarily go, were *asked* to go and sign it. The Spaniards are all indignant. Pedesclaux, who is not over prudent, tells the addressers, that they blow hot and cool, with the same breath; that they are happy to return to the government of the mother country, but sorry to quit that of Spain; and asks, how the thing is to be reconciled—he laughs at them, for addressing the Prefect, before the arrival of the Captain-general, and calls it a *gaucherie*; as this latter will be mortified, that his subaltern should have the honour, of forwarding home, their declarations, of love and devotion, to France; and tells them, they have but one mode, of getting themselves out of the difficulty they have got in, which is, to assure the Captain-general, that, till they saw *him*, they had still some gratitude to Spain, for benefits received, and consequently, some regret at the thought of separation from her: but that, since he appeared, all gratitude, and all regret, had vanished. There is some truth, as well as satire, in this remark of Pedesclaux; and it will shew you, that people reason on the subject, and the addressers fear, they have been too precipitate, in offering their homage to the subaltern deity. The pompous address of the 2d. Cotes des Allemandes, was written by that pedant Troward, who is not a Creole, but a Frenchman, who was not ceded to Spain, but came here of his own accord, and who arrived long after the campaigns he speaks of, as if he bore a part in them. He talks of love of country, and trembles at the idea of requisitions; and has made himself completely ridiculous, and injured his reputation by his stuff, and bombast. I have, by dint of intreaties, induced another pompous writer, to undertake an address from the *Cote d'en bas*, on the arrival of the General; he would rather hear of their making a voyage to the other world, than of their arrival; but, as the thing must be done by some one, I prefer having it done by a friend, who will thus acquire some influence, and procure information.

6th May.

I had just finished a third letter to the Governor, when I received your favour of the 30th ult. the information, upon the whole, amounted to nothing, and is such as all have anticipated. From my communications to the Governor, which I leave open for your perusal, and from that of the inclosed packet, you will judge, whether my conduct is substantially American, or not; it will continue so, happen what will—and, let your nominal Colonel whisper, what he pleases, neither my *reign*, consequence here, or independence, will be in the least affected, by any thing government can give, or take from me. From that trifling office, which was unexpectedly, and without solicitation conferred, and on that account alone accepted, I derived neither importance, nor emolument; and, be it continued, or conferred on another, I shall be equally vigilant, and watchful of my country's interest; and equally prepared to meet danger, or make sacrifices, to defend its rights. My opinions, do not depend on the nod of administration, and my actions are not to be governed by them: I will always act and think for myself, and those who are disposed to be more subservient, are welcome to my consulship. *You will not be surprised to learn, that I am more respected than ever, among the Spaniards, who contrast my conduct, with the whining subserviency, and ingratitude of those, on whom they have conferred favours*—who now, to curry favour with the new government, speak ill of their benefactors; and, if fortune should throw any obstacle in the way to prevent the French from coming here, my influence will be unbounded; and, if my *successor* is not a man of more talents, resources, &c. and does not possess more local knowledge than any other American here, I will venture to assert, he must be indebted to me, for any important information, or favour, he procures for his countrymen; and, my revenge on his, and my masters, will be, to render him every service in my power. Our mutual friend, Mr. Dunbar, has written to me, for information; I have not time to write him, though I wish to do it in a separate letter; do me the favour to forward this, and the inclosures to him; after reading them, he can seal and forward the one to the Governor, and the other to the secretary of the state—if *my friend above*, had not attempted to shorten my *reign*, what would not the avowal of my political creed effect?—it is plain language, and leaves nothing to be guessed at. Let me hear from you in reply, and request Mr. Dunbar, to give me what information he can procure.

I remain, dear Sir,

Yours, sincerely,

DANIEL CLARK.

P. S. I rely on you, to keep my name, or any hint from me, concealed from Young. Since I began this, I have had a confidential communication from him, and he would believe himself betrayed—this need not hinder you from sounding him.

No. XV.

See Appendix, No. VII.

No. XVI.

LETTER FROM DANIEL CLARK, JUN. TO GEN. WILKINSON.

Plantation at Bayou Sarah, 13th April, 1803.

Dear Sir.—I inclose to you, a few extracts from a letter, just received from New Orleans. The Prefect's language has changed, since I saw and conversed with him in Paris; and, I have no doubt, that, seeing the impossibility of injuring us openly, he will mask his batteries, and begin with flattering and wheedling our western brethren. This is my great fear, and it is an unceasing one. *I shall set off to-morrow for New Orleans; and would almost as soon meet a legion of devils, as a brigade of French there.* Did it depend on me, I would, by a previous occupation, save them the trouble of landing, or annihilate them, to the last man; because, there is no medium—we, or they, must fall. I may say, without vanity, I know them too well, to believe, even on the possibility of their holding the mouth of the Mississippi, even for a very few years, without destroying the union, and the mere thoughts of it, enrages me to desperation.

Great God, what an opportunity have we lost, of doing with ease, what we must, at last do, with toil, and expense of blood and treasure.—Will future ages think, there was not an influential American, willing to hazard his life and fortune, to save his country, by acting without orders, and putting the palladium of her safety in her possession, that she might negotiate, with the object of contention in her power.—I wish I could become the political scape-goat, though my life were to be the forfeit. But, if possible to be reasonable on such a subject, what must I do? Ought I to give loose to an honest indignation, and openly combat them! or, must I work a miracle, change my nature, become a profounder dissembler than Laussatt, outwhine and outcant them in their own way, appear either not to perceive or fall into their views, and by this means, learn more of them. Don't laugh at my project; I can attempt, I will execute it, if any thing is to be gained by it.

Would you not do well, to procure an Indian interpreter, a man to be relied on, who would follow the Choctaws to Orleans, and advise you what passes there—the thing is of moment. I wish that, independent of the other, and unknown to him, you would, for the same purpose, hire Minor's negro Cæsar, who acted as Sargent's interpreter, and send him to me.—Unsuspected, I could, through Cæsar, insinuate suspicions into the minds of the Indians; learn what was proposed to them; and counteract the plans, or at least, give you, and the executive, such timely information, that the government might effectually do so. Let not the expense stop you—if any difficulty occurs in regard to it, I will pay it myself.

Should the French continue in possession of Orleans, such of us here, as have fortunes, must become beggars, and a small part of our fortunes will be well employed in thwarting their measures—this is my mode of reasoning. I already look upon my fortune as lost. I am careless of personal danger; will even court it rather than avoid it. Point out, therefore, a useful line of conduct for me to pursue, and rely on its execution. A million of thoughts occur, but I shall run mad if I do not repress them. In hopes of hearing from you shortly, I subscribe myself, with esteem, dear Sir,

Your very humble servant,

DANIEL CLARK.

P. S. I have written a critique on the Prefect's proclamation, which I intended to have published in Natchez, but on reflection, I know I should be looked on as the author, and that it might injure me in my *about to be adopted character*, should you advise it, and therefore I committed the piece to the flames. But what a farce it is, and what a scoundrel must this *ex-jacobin* Laussatt be, to talk of Aymé's proscription; who, at the same period, and on the same occasion, proscribed his own colleagues in the Council of Ancients—who talks of the reward he and Victor are ambitious of, when he must be sensible, that many of us know their plans of rapine; that I was offered a participation in them; that I knew the very sum to which they limited their *veur*; but nothing, not even detection, can shame them—had I another sheet of paper left, I would copy this, and I mention the circumstance as an excuse.

No. XVII.

[*A copy of this letter, delivered to the General Court Martial, has been applied for, but not procured; the following letter is much of the same description.*

LETTER FROM DANIEL CLARK, JUN. TO GEN. WILKINSON.

New Orleans, May 20, 1803.

The news you communicated to me some time ago, confidentially, and which I perceived, you did not yourself credit, viz. that France would send no troops here, but that Spain was to retain possession, having got into circulation, I traced it to Captain Towers; and, on enquiry, learned from him, that you had communicated it as a thing generally known.—*As it was, therefore, impossible to add to its publicity, and being unwilling to say, I was the only person ignorant of so important an intelligence,* on being asked, *I said, that I was long acquainted with the report, and believed it.*—You cannot imagine the prodigious effect it has produced among the French, and the Prefect himself, is uneasy about it, he having no certain accounts from home, since he left France—If you have heard any thing further, let me know it, and how far I may give it to the public, and likewise, what credit I should myself attach to it. The Prefect is quiet, since the arrival of the Marquis; he sees into the character of the man, and will attempt nothing with him—he is already, somewhat crest fallen. I am much caressed by all the Spaniards, and have been noticed at all the public dinners; and should any thing fortunate for us, or Spain, turn up, will act a great part here. I intend to-morrow, to try what I can get the Intendant to do, relative to the affairs of Tombigbee, and if I succeed, will advise the executive, that I never heard from Claiborne on the subject; and publish in the Natchez paper, something, to shew his regard for the interest of the people in that quarter.—I will, however, do nothing in this way, without first consulting you. I long to hear from you, in reply to my late lengthy communications. We have here, as physician of the American hospital, a Mr. William Bache, brother of the late printer, who I believe, corresponds directly with the great man; and what is strange, there is not here at present, a more violent anti-Frenchman, nor a more decided advocate for vigorous measures. He was present this morning, when Hulings came to show me your letter, and expressed his vexation at

such reports having got to your ears.—Bache has shunned him for some time past, believing he lets himself be gulled; as a friend to H. I have endeavoured to impress the other with a different opinion, but cannot convince him, though I am myself persuaded, Hulings will never, intentionally, do any thing improper.

Except with regard to French measures, and the Prefect's views, which I sincerely believe Bache detests, he is in every thing else, a decided supporter of the present administration, and a believer in Mr. J.'s infallibility. I am glad that a man of this stamp, thinks on one important point with me, as his communications will, in that case, tend to corroborate mine. The restoration of the deposit, hinders the Prefect's digestion, prevents or disturbs his slumbers, and puts an end to the beautiful dream, of permitting a deposit for the *denrées d' Exportation*—does this shew a longing eye, to the people west of the mountains, or not? I wish our executive could be impressed with an idea, of what not only suits, but what it is indispensable to do for our salvation.

Your's, sincerely,

DANIEL CLARK.

P. S. Shall we not now be content with the restoration of the deposit, and inform the people that the object of Monroe's mission is gained—what is your opinion on this?

Brigadier-general James Wilkinson.

No. XVIII.

See this letter, dated New Orleans, 17th January, 1806, in page 129, of the second volume.

No. XIX.

TESTIMONIALS.

Extract of a letter from General Knox, secretary of war, to Brigadier-general James Wilkinson, dated war department, March 3d, 1792.

"Your two letters of the 24th January, have been received, and submitted to the president of the United States.

"The steps you have taken, to procure information of the state of the Indians, were highly proper; and in future, you will use every expedient to gain information of their designs.

"The president of the United States, will be anxious to hear of your safe return, from your excursion to the field of action; and this anxiety is in proportion to the risk you appear to encounter, by so near an approach to the Miami towns; at and near which, if our information be just, near five hundred Indians may be collected in a short time.

"The measures you have taken to explain the intentions of the executive, relative to the discharge of the levies, are satisfactory.

"It has been concluded, that General St. Clair arranged with General Scott, an adequate provision for the defensive protection of Kentucky. If there should have been any omission or mistake upon this subject, I hereby authorise you in the name of the president of the United States, to supply or rectify the same.

"This defensive protection must be confided to you and General Scott, or the county lieutenants, *as you may judge proper*. A few scouts, at five-sixths of a dollar per day, to each county, ought to constitute perhaps, the main part of this protection, aided by such a number of rangers, on the pay and rations of the troops of the United States, as shall be judged indispensable by you."

Extract of a letter from General Knox, secretary of war, to Brigadier-general James Wilkinson, dated war department, April 3d, 1792.

"The expedition to the field of action, is an honourable evidence of your military zeal, and I am happy that you returned safely.

"My former communications to you of the first of February, the 3d and 10th ultimo, will shew you forcibly, the propriety of restraining any desultory expedition against the Indians, until the effect of pacific overtures be tried, and proved fruitless.

"The president of the United States, *whose orders I communicate to you, on this, and all other important points of your command*, hopes, and is persuaded that you will, to the utmost of your power, endeavour to give the fullest effect to the measures of peace.

"If, after having demonstrated, in as ample a manner, as can be desired by the most incredulous, that the executive have taken all reasonable measures, to tender the olive branch, in a way not to be misunderstood, and to make it apparent to the Indians themselves, that we desire none of their lands, and they should still continue their depredations, the government will be fully justified, in carrying into full effect, the measures that have been sanctioned by legislative deliberation.

"In pursuance of the design of peace, captain Trueman is, by his own consent and desire, employed on a mission to the hostile Indians.

"He will disclose to you his instructions, and the message to the said Indians, of which he is the bearer.

"You will advise him the most direct measures to accomplish his object, and afford him every possible aid to that end.

"The guides and channels of intelligence, you mention, are all important, and upon which, I communicated to you, in my letter of the 11th February. I pray you to make this branch as perfect as human nature will admit.

"Make partisans, and alert scouts, of the most active officers and men, if your judgment directs the measure; and mount them to any number under one hundred on horseback, making the quarter-master purchase proper horses for them.

"The lawless outrage committed at Cincinnati, on the 12th of February, demands exemplary punishment; and you may rest assured, that the president of the United States, will support you to the utmost, in executing every punishment provided for by the laws, against such high handed offenders.

"I cannot close the letter, sir, without expressing to you, the entire satisfaction of the president of the United States, of the vigilance and discretion, you appear to have exercised since your command; and I flatter myself, your judgment and talents, will meet with all the approbation, to which I am persuaded, they will be entitled."

Extract of a letter from General Knox, secretary of war, to Brigadier-general James Wilkinson, dated war department, April 21st, 1792.

"Having been indisposed for some days past, and being still so, I can only acknowledge the receipt of your favours of the 10th and 14th of the last month, all of which, have been submitted to the president of the United States.

"The zeal and promptitude, with which you executed the wishes of the executive, are remarked with pleasure, and will not fail of receiving the approbation of the president of the United States.

"It is with sincere pleasure, I transmit you the notification of an appointment of Brigadier-general; and I ardently hope, the other gentlemen appointed to act with you, as well as the commanding General, will be perfectly agreeable to you."

Extract of a letter from General Knox, secretary of war, to Brigadier-general James Wilkinson, dated war department, April 27th, 1792.

"I now beg leave to observe, that you will perceive by my former letters, more particularly that by Major Trueman, that the great object of the government is, to make a firm peace with the western Indians, founded on the principles of moderation, humanity, and justice.

"That these sentiments of the government must, by the most effectual means that can be devised, be brought home to the minds of the hostile Indians, so that they shall be perfectly and fully informed, that we require no lands, but those which have been ceded by them, at fair treaties.

"That we do not know of any just claim, that the Wabash and Miami Indians have to the lands, ceded to us by treaties; but, if they can prove their claims, they shall be amply compensated for the same.

"There can be no doubt, but the western Indians have mistaken the claims of the United States, and conceive they are greatly more extensive than described by the treaties.

"The delegation of the five nations here present, are astonished at their own misinformation upon this subject; and under this impression, will depart for their own country in a few days: whence they intend to move forward in a large body, to be present at the grand council, to be held at the mouth of the Omee river, in the next month.

"In addition to this, and the measures you have taken by Dr. Brown, and Major Trueman, some other person will probably be sent from hence to the hostile Indians, with Captain Hendrick, and a Delaware Indian, with presents and belts, to whom you will be required to lend your aid.

"You will please explicitly to understand, that the president of the United States conceives, that all these measures indicating the desires of the United States, are essential to the reputation and dignity of the government.

"If the Indians, after fully understanding the designs of the United States, should persist in their hostile depredations, the public mind will justify the most severe coercive measure, which will then be supported with unanimity. But at present, it seems to be the general opinion, that adequate measures have not been used to obtain peace.

"The idea you have mentioned, of employing about one hundred mounted volunteer riflemen, for escorts from post to post, is approved by the president of the United States; and you are hereby authorised to carry it into execution, upon the pay stated in the law herein inclosed.

"These volunteers are to be engaged for a period of three months, unless sooner discharged, and you will appoint the officers thereof. You will, however, observe, that this corps, as well as your other corps, are not to be employed in offensive measures, pending the negotiations for peace.

"I confess I shall be anxious to hear of your return from the establishment of fort St. Clair, which will be an operation somewhat critical. However, the confidence I have in your intelligence and activity, assures me, that you will avoid all unnecessary hazard."

Extract of a letter from General Knox, secretary of war, to Brigadier-general James Wilkinson, dated war department, May 12, 1792.

"I have the honour to inclose you your commission of Brigadier-general.

"I have not yet heard of your return from establishing fort St. Clair, and therefore some anxiety is entertained upon that subject. But the confidence in your discretion, is no small relief upon the occasion.

"Major-general Wayne, is still here, but will shortly set out, as will Mr. O'Harra, the quarter master general."

Extract of a letter from General Knox, secretary of war, to Brigadier-general James Wilkinson, dated war department, July 17, 1792.

"There is but little doubt in my mind, from the information of Captain Brant, that Freeman and Gerrard, your first messengers, were sacrificed by their own indiscretion; as it would appear that they were made prisoners, and made the Indians understand, that they were the bearers of specific measures as a flag, and that they were conducted as such to the rapids of the Miami; but they made so many inquiries of the courses of streams of water, that when they were within one day's march of the main body of the Indian councils, their conductors murdered them on a belief they were spies. Brant was impressed with this conviction, and you may judge from circumstances how far he was right.

"Although I have not received any information of the actual departure of Colonel Hardin, and Major Trueman, yet from Mr. Hodgdon's information, they sat out from fort Washington, upon Harmer's-trace, about the 20th of May. That they were to proceed to a certain distance, and then to separate: Hardin to push for Sandusky, and Trueman to the rapids of the Omie. I hope sincerely, they may have arrived safely, and succeeded so as to prepare the way for General Putnam.

"The terms you stipulated to Colonel Hardin, shall be performed on the part of the public.

"The direction you gave Major Hamtramck, of endeavouring to persuade the chiefs of the Wabash to repair to this city, was highly judicious, and it is desired that he may accomplish it.

"Your remarks of the disproportionate punishments of death, or one hundred lashes, are just; and the suggestions of hard labour, seem to promise better success, and I shall communicate the same to Major-general Wayne; this is within the power of a court, according to the present rules and articles of war.

"The articles of war require revision; but it is to be apprehended, if attempted, they would be rather altered in such a manner, as to relax instead of bracing the discipline of the army.

"Were it consistent with the views of the country to have a military academy, in which it should be an indispensable preliminary to study, (excepting the promoted serjeants) a good foundation would be laid for a respectable army.

"But the genius of the republic, seems adverse to the permanency of an army, and every plan which may be proposed to render troops radically good, would probably be regarded by many well intentioned citizens, as the seeds of a standing army, designed to overturn the liberties of the country.

"The army must, therefore, depend upon itself for its discipline. The officers who possess extensive minds, must inculcate those principles of economy, obedience to orders, habitual vigilance, and sobriety, and good morals so essential to perfect discipline, and a dignified military reputation subservient to the laws."

No. XX.

TESTIMONIALS OF OFFICERS.

To His Excellency Thomas Jefferson, President of the United States.

Sir.—It does not comport with the pride of a soldier, tacitly, to behold his General assailed by unmerited slanders; or to suffer the veteran, with whom we have run a *long* course of hardships and perils, to fall a victim to undeserved calumnies. The spirit of a soldier, revolts against such apathy; and every man of sensibility, would condemn such cold-heartedness.

We mean not to offend, by this offering of a just tribute to merit; nor to derogate from the worth of the living, or the dead, by those expressions of our sentiments.

We have seen with horror, and have felt with indignation, the various attempts which have been made, to blast the character of General Wilkinson—Some of us, have served under his command twelve years, and have followed him from Canada to Florida; and all have been habituated to his command for many years, during which period, we have seen him encountering almost every vicissitude, to which active military life is incident.—Generous, benevolent, and humane—his heart, his hand, and his purse, are ever open, and ready to suc-

cour distress, and relieve misfortune—hardy, enterprising, daring and brave, he encounters obstacles with alacrity, and is most exalted when pressed by difficulties. The ice, snow, and wintry blasts of the north; the arid sands and burning sun of the south; wilds, mountains, and morasses, present no impediments to his course, where duty calls. Ready to take the lead in every extremity, he never exacts from others, what he is not willing himself to perform. Daring, yet vigilant and cautious, he is provident in warding dangers, and resourceful in mastering them.

Let him be judged by his orders and arrangements, and military men will honour his principles and practices—rigid in his discipline, exact in his police, and indefatigable in every branch of service. He delights to comfort and cherish the sick soldier, and pays a sacred respect to the laws of his country, and the rights of his fellow citizens; of which, numerous instances could be quoted.

With him for a leader, we shall neither fear dangers, nor foresee difficulties —but shall march to battle, with the assurance of victory.

The subscribers, composing the whole of the officers present, at the cantonment, and St. Louis, would suffer martyrdom, sooner than profess what they do not believe—or proffer homage, where it is not due: and, with these sentiments, they hesitate not to declare, that they have offered the opinions of every man of honour, who carries the sword of the United States.

Signed by

THO: HUNT, Col. 1st Regt. Inf.
T. H. CUSHING, Lieut. Col. Adj. & Ins. Army.
JACOB KINGSBURY, Lieut. Col. 1st Reg. Inf.
ELIJAH STRONG, Capt. 1st Reg. Inf.
R. LOCKWOOD, Capt. 1st Reg. Inf.
DANIEL BISSELL, Capt. 1st Reg. Inf.
JAMES RICHMOND, Capt. 1st Reg. Inf.
JAMES B. MANY, Capt. Artillerists.
GEO. PETERS, 1st Lieut. Reg. Art.
CLARENCE MULFORD, Lieut. Art.
WM. CARSON, Lieut. 1st Reg. Inf.
A. WHITLOCK, Lieut. 1st Reg. Inf.
WM. RICHARDSON, 2d Lieut. & Adj. 1st R. Inf.
JOSEPH KIMBLE, Lieut. Adjt.
WILLIAM KING, Surgeon's Mate.
A. SANGRAIN, Surgeon's Mate.
JOHN H. ROBINSON, Act'g. Surgeon's Mate.

No. XXI.

DR. J. F. CARMICHAEL'S DEPOSITION.

Interrogatories propounded to Dr. J. F. Carmichael, by General Wilkinson.

Question 1.—At what period did you, in the year 1798, arrive at Loftus's Heights, on the Mississippi, the present site of fort Adams?

Question 2.—In what capacity did you then act with the troops?

Question 3.—Do you recollect the state of the encampment, at the time of your arrival?

Question 4.—Do you recollect, whether General Wilkinson was encamped at the time, or not?

Question 5.—Do you recollect a visit paid General Wilkinson about the time of your arrival, by Daniel Clark, Esq. now a member of congress, and will you state about what period?

Question 6.—Did Mr. Clark dine with General Wilkinson, and how long did he continue with him, to the best of your knowledge and belief?

Question 7.—Can you say whether General Wilkinson had, at that time pitched his tents, and taken quarters in them, or whether he still lodged in his boat?

Question 8.—What reasons have you for believing, that General Wilkinson lodged in his boat, at the time of Mr. Clark's visit?

Question 9.—Do you, or do you not recollect, whether Mr. Clark took his quarters with General Wilkinson in his tent, and remained with him three days and three nights, in the month of October, 1798?

Question 10.—Do you recollect any particuler circumstance attending Mr. Clark's riding off from the General's dining tent?

Question 11.—Have you any particular reason, for knowing the General's boat was not dismantled and drawn up the bank of the river, until after Mr. Clark's visit?

(Question by the Judge Advocate.)

Question 12.—Was Mr. Clark's uncle, Daniel Clark the elder, with him, during the visit you have above spoken of at Loftus's Heights?

Answers to interrogatories proposed by General Wilkinson, to John F. Carmichael.

Answer 1.—I believe it was on the evening of the 20th October.

Answer 2.—I was surgeon to the troops of the United States, and senior present.

Answer 3.—There was a new encampment then forming, some distance back in the woods, parallel to the river, but there were several officers who remained still at the first encampment on the bank of the river, viz: Col. Hamtramck, Captain Kingsbury, and some others.

Answer 4.—The day after I arrived, a number of officers and some citizens, dined with the General, and a large marquee, or tent, was on that morning, pitched for the purpose.

Answer 5.—I recollect perfectly, the visit paid by Mr. Clark: it was a few days after I arrived; I believe the 23d.

Answer 6.—I was not present at the time, when Mr. Clark arrived at head quarters; but, upon entering the General's marquee, some time before dinner, I was introduced to Mr. Clark, by the General himself; I dined in company with him, and I perfectly recollect, that Mr. Clark rode away, some time in the afternoon, accompanied by a negro servant.

Answer 7.—I believe that the General did his writing in his marquee, and dined or eat there, but he slept in his boat.

Answer 8.—It was more convenient for business, and comfortable also, in a hot climate, to spend the day under a shade or marquee, and at night to sleep in a boat, provided with a close apartment, which was a security against the heavy dews of the country, and the damps of the rainy season; his baggage and

stores of every kind being also there; and I have no knowledge or recollection of the General's sleeping out of his boat, until it was cleared to be hauled up for removal, which afterwards took place.

Answer 9.—From the time I arrived to the end of the month, and I think for some time after, I lived by the General's invitation, at head quarters, but I slept in my boat; and if Mr. Clark had been with the General, as stated in the last question, I should most certainly (together with the officers of the army) have known it; but I have no knowledge or recollection of his being there upon any other occasion, or in any other way, except as before mentioned.

Answer 10.—I do. His furniture struck my attention, particularly a Spanish bridle, upon Mr. Clark's horse, which was the first I had ever seen; and the manner in which he departed, which was in full gallop, after the custom of the country.

Answer 11.—I have. The fatigue party which drew up the boat, and removed it on, to the hill near fort Adams, where it now stands, was superintended by me, which did not take place for some time after my arrival.

Answer 12.—He was not.

[Sworn to, on the 26th day of March, 1808, before me, John Ott, one of the justices of the peace, for the county of Washington, D. C.]

DEPOSITION OF DR. THEO. ELMER.

Personally appeared before me, George King, judge of the parish of St. Landey, (Terr. of Orleans) on the 29th December, 1809, Theo. Elmer, who made oath, that he arrived at Loftus's Heights, on the Mississippi, on the 5th of October, 1798, under command of General James Wilkinson. That on or about the 15th of the same month, the General's marquee was pitched on the bank of the river, in the bottom in rear of the right of the tents of the line. That the General held his office and table in his marquee, and slept on board of his boat, then lying in the river, until about the fourth of November following, when the boat was drawn up. That after this, he remembers to have seen the General's bed mounted in one end of the marquee; that some few days after the boat was drawn up, the General's marquee was struck, and re-pitched at the park: that during the whole time the marquee remained in the bottom, which was from about the 12th or 15th of October, to about the 5th or 8th of November, 1798, one partitioned end of the same was occupied by Lieutenant Lovell, then very sick and chiefly in bed: that this deponent then did duty as surgeon, and visited Lieutenant Lovell, often daily in the marquee, having for the patient a singular friendship, and his case being grave: and that this deponent has no recollection of ever having seen Mr. Daniel Clark at the General's marquee, but remembers to have once seen him on board of the General's boat, before she was drawn up.

THEO. ELMER.

DEPOSITION OF COLONEL SCOTT.

Personally appeared before me, Samuel Brooks, a justice of the peace, in and for the county of Adams, (Mis. Ter.) on the 16th of August, 1808, Wm. Scott, late an officer in the United States' army, and being sworn on the holy Evangelists of Almighty God, he deposeth and saith: that having been called upon by Mr. Henry Turner, at the request of Daniel Clark, to give a deposition of

such facts as came within my knowledge, concerning a *visit* paid by the aforesaid Daniel Clark, to General James Wilkinson at Loftus's Heights, during the month of October, 1798; and having been called by duty to the said place, during the same time, the following statement I give, as coming within my personal information:

I arrived at head quarters, (i. e. Loftus Heights) between the 22d and 24th of October, 1798, in the evening, in company of Mr. Daniel Harragan. As my duty was in the staff as adjutant, I was obliged to present my reports to the General every morning, and was frequently called, and several times during the day, to receive orders, and I never saw at any of my said visits, either a bed or mattress, prepared in the General's marquee, either for himself, or any of his acquaintances, until about two weeks after my arrival, at which time his boat, in which he had before slept, was hauled upon the bank; after which time, to the best of my remembrance, he slept in the marquee himself. And notwithstanding my being often in the General's marquee during the day, and sometimes after night, I never heard Mr. Clark's name mentioned as a visitor, or did I ever witness any circumstance, tending to shew that he was one; or in short, did I ever see Mr. Clark, either at the General's, or in camp, during my remaining there. I returned to Natchez, on or about the 24th of November, in the same year, and *met* Mr. Clay *some days* after my *return*, who told me that he was *just* from the Illinois. He appeared in a bad state of health, and I invited him to my house, which invitation he declined, and shortly after descended the river; and I perfectly remember, that the General arrived at Natchez, a day or two before my return to that place. And I also recollect an invitation to dinner, given by Col. Clark, at Clarksville, to the officers generally, a few days after my arrival at Loftus Heights, which my duty in camp prevented my joining; but never heard the name of Daniel Clark, jun. mentioned by any of the gentlemen who were there, as being present. It may be proper to observe, that when called upon by Henry Turner, I declined coming forward; but, having since seen some observations in a public gazette, tending to call in question the truth of a deposition given by Dr. Carmichael, I have voluntarily made the above statement, in support of that gentleman's deposition.

WM. SCOTT.

[Sworn and subscribed to, coram, Samuel Brooks, justice of the peace.]

No. XXII.

DEPOSITION OF JOSEPH COLLINS.

In the town of Pensacola, on the 25th of April, 1808, Don Carlos Hernandez, auditor of war, ad interim, of the province of West Florida, being in his office, Don Joseph Collins, Captain of Militia, and now commandant of Pascagola, appeared before him, to whom he caused to be administered, the oath, in presence of us, the witnesses, according to law, under which, he promised to tell the truth, according to his recollection, and what should be asked him, and being examined, he said, that in the month of June, 1794, being at fort Washington, on the Ohio, he had a conversation with General Wilkinson, relative to a voyage to New Orleans; that he represented to the General, that flour might be purchased at Pittsburgh, at a very advantageous price, and that a voyage of vast profit might be made to New Orleans, if a sale could be made of the flour

by means of a contract; to which the General answered, that he was of the same opinion; that he would give him a letter of recommendation, to Don Gilberto Leonard, who had great influence with the Spanish government, and that he might, by this means, obtain a contract for the flour, with the King, for his troops, and that he would be sure of getting his money; that at the same time, he said to him, that Don Gilberto Leonard was his agent, and that he hoped, he had recovered some sums of money, which were due to him, for tobacco he had sold; that he gave him an order, that they should deliver to him, the declarer, the amount, and if he should receive it, he had no difficulty in entering into company with the declarer in the contract for flour, or in any other speculation; on which he agreed to make a voyage to New Orleans, and with his own money, he purchased a keel boat, and loaded it with flour. He arrived at Orleans on the 1st of August, 1794, where he sold his flour, and received from Don Gilberto Leonard, the sum of six thousand three hundred and thirty-three dollars, to deliver to General Wilkinson; that he told him this sum came from a parcel of tobacco he had sold to the King; that as soon as he received the money, he occupied himself in fitting up his boat, to put her in a situation to double Cape Florida; but, on the 12th of the said month of August, a hurricane took place, which entirely destroyed his boat, which obliged him to purchase a schooner in the Bayou of St. Johns, in consequence of all the vessels in the river being damaged; that with this schooner, he arrived at Charleston, where he landed his money, and followed his journey to Pittsburgh, carrying with him the said sum in bank notes; that on his arrival, he met with Col. M'Nair, a member of the assembly of Pennsylvania, who proposed to him a speculation he had in view, in lands, which appeared to him very advantageous; that he knew where to purchase lands very low; that he had just arrived from Philadelphia, where he had made a conditional contract for the said lands, by which he could gain six thousand dollars in three weeks; that it was only necessary to pay down three thousand dollars in cash; and that, in consequence of the declarer's not having been able to obtain the contract for flour, and that the speculation in land, proposed by the said M'Nair, appeared to be most advantageous, he entered into company with him, and advanced him about two or three thousand dollars. The speculation turned out badly; for they lost all that they advanced towards it, and he believes that the General has not, to this day, been able to recover any part of it. To him (the general) he delivered the balance of the money, he received in New Orleans; and he answers and declares, that the foregoing is the truth, as it relates to Gen. Wilkinson, and that it is the truth of all that passed; that as such, refers to it as a man of honour, and under the oath he has taken,

JOS. COLLINS.

ANASTO. MONTES de VIA,
DOMINGO SAUSA, } *Witnesses.*

CARLOS HERNANDEZ.

No. XXIII.

New Orleans, April 1, 1797.

My dear Friend.—I have wrote to you, by almost every vessel, that sailed since last year, and I have not received an answer. Nolan has not brought me

a receipt, for the nine thousand dollars, I remitted by him last year, and I wonder you have not acknowledged the receipt of it. The balance yet coming to you, Beauregard wanted to attach, and Nolan wished to remit to you by this conveyance, but I would not agree to the one or the other. I think, however, my dear friend, that you ought to pay Beauregard, for his mother is now in great distress. Permit me to repeat my desire, that this business may be kept a profound secret; if it was discovered, that ever I had any commercial connexion since I became treasurer, (actually contador per interim) I should lose my employment. I have every confidence in you, and only mention this, that you may take care of my letters, and by whom you write to me.

My little family are well, and join in their wishes for your health and prosperity. We hear you are chief in command, but I would rather you would again turn merchant, as it is my opinion, that you would be now more fortunate than before. In all situations command your devoted friend,

GILBERT LEONARD.

General James Wilkinson.

No. XXIV.

Extract from a Message from the President of the United States—Jan. 20, 1808.

About a twelvemonth after I came to the administration of the government, Mr. Clark gave some verbal information to myself, as well as to the secretary of state, relating to the same combinations for the dismemberment of the union. He was listened to freely; and he then delivered *the letter of Governor Gayoso to himself.*

No. XXV.

DEPOSITION OF JAMES MATHER, ESQ.

[Which was read in evidence, by consent of the Judge Advocate, before the General Court Martial, convened at Fredericktown, for the trial of General James Wilkinson.]

Interrogated by General Wilkinson.

Question 1.—How long have you known Daniel Clark?

Answer.—Ever since he arrived in New Orleans, which I think, was in the year 1785 or 6.

Question 2.—Where have you, and the said Clark resided, during that period?

Answer.—I resided both in the town and country; in the country, about 21 miles from town, but was very frequently in town; Mr. Clark's residence, was in the town of New Orleans.

Question 3.—Did you ever hear the said Clark, speak injuriously of his uncle, Daniel Clark, whose estate he inherited, and in what terms did he speak of him?

Answer.—I have often heard him speak, in terms of the greatest disrespect of his uncle, calling him an extravagant old fool, &c.; that, though he had promised him his estate at his death, yet he had already advanced as much for it, as it was worth; notwithstanding, at that very time, I had reason to believe, that he, (young Daniel) was not capable of paying, out of his own funds, as much as would purchase ten slaves. Indeed, I never thought him worth any liquidated estate; nor do I yet.

Question 4.—What is the general character of the said Clark, in point of veracity?

Answer.—To veracity, he can have no pretensions.

Question 5.—[Omitted in the official copy.]

Answer.—This question would take me a week to answer, could I muster all my recollection thereon. There is, however, a fact, which, so long as I have any memory, I never will forget. It is, that upon having seen in the Natchez Gazette, a publication, purporting to have been a letter from Col. Hutchins, to some person in England, the said letter having been, in the publication, declared to have been found in Daniel Clark's deceased uncle's desk, I was extremely astonished at it, because I had reason to believe, that the old gentleman had never seen it, and therefore I resolved, if I should see the young gentleman, to enquire into the affair. It was not long afterwards, that he called upon me, at my house, in the country. I then took the opportunity of asking him, how it was possible, that he could undertake to defame his uncle's reputation by such a publication, when he knew, I had too strong reasons to believe, that he had purloined the letter from Mr. Thomas Durnford's chimney piece in New Orleans? He then confessed to me, that he had taken the letter off Mr. Durnford's chimney piece, but denied having opened it; then how came it to be opened? "I took it (said he) to Don Andres Armesto, the secretary of the government, and he opened and read it to me, saying, I might do what I pleased with it; and as I wanted to prevent the old rascal's election, I had it published." Ah! Clark, said I, is this your gratitude to your poor deceased uncle, who has left you his whole estate? His answer was, "I owe him no gratitude; I have already paid more for his estate than it is worth."

Question 6.—What is the general character of the said Clark, as a man of probity, integrity, and candour? Is he subject to vehement animosities? Does he possess a vindictive spirit and a slanderous tongue?

Answer.—I have reason to conclude, from his own expressions to me, that he had abandoned the two first principles, because he declared that it was all nonsense to be an honest man; that none but rogues succeeded in making fortunes, and that henceforward he would not stick at any thing, provided he saw means to carry him through: he may be entitled to credit for candour, in proportion as he kept his word. His vindictive spirit and slanderous tongue, has been made manifest in his late wanton attacks, upon General Wilkinson and Governor Claiborne, as well as on many others.

Question 7.—What are his principles and prejudices as a politician—have you not seen him often change: sometimes Spanish, then French, then English, and sometimes American?

Answer.—A mere weathercock; he has been all round the trading political compass; he has denied his native country, and cursed every other at different times: at one time, he pretended to fall in love with our happy country, but this did not last long. He had occasion to go to England and France; not suc-

ceeding in the latter, he returned to England, where he obtained what he wanted; and it was then with him, the only country under the sun, that a gentleman could live in.

Question 8.—Do you know Thomas Power, and what is his general character for honour, truth, and veracity?

Answer.—I know very little of Thomas Power.

Question 9.—Is he not, or has he not, been considered a venal dependant of Daniel Clark?

Answer.—I have often heard that he was a tool of Clark's, for which I believe, he is now very sorry.

(Signed) JAMES MATHER.

[Sworn to before me, Missour, a justice of the peace, at New Orleans, on the 6th of September, 1811.]

No. XXVI.

DEPOSITION OF H. P. NUGENT.

[Which was read, by consent of the Judge Advocate, before the General Court Martial, convened at Fredericktown, for the trial of General James Wilkinson.]

Interrogated by General Wilkinson.

Question 1.—Do you know Francis Langlois, and Daniel Clark?

Answer.—To the first query, I answer, that I know Francis Langlois, and Daniel Clark.

Question 2.—Did you ever hear the said Langlois say, that the said Daniel Clark had cheated, or deceived him, respecting a deposition made by the said Langlois, against General Wilkinson, and published by the said Clark, in his book of proofs, &c. by refusing to remunerate him to the extent he had promised him, or led him to expect, for such deposition? Be pleased to state the particulars as to time, place, and words, as nearly as you can recollect.

Answer.—To the second query, my answer is as follows: on or about the day that Mr. Belourgoy, as I have understood, purchased a lot from Mr. Langlois, (I think about 18 months ago) I dined with Mr. Langlois, at Mr. Belourgoy's, where I was an intimate. Speaking of the lot, which it appeared, he had just sold to Mr. Belourgoy, Mr. Langlois broke out into a vehement invective against Mr. Daniel Clark, saying, he had deceived him, with regard to the affidavit, he had persuaded him to make against General Wilkinson, and that there existed not a greater villain, than said Clark. He appeared in great rage against Mr. Clark, for having made him expect, what he refused to perform. He seemed to me, to be persuaded, that by his affidavit, he had saved Mr. Clark from the gallows. As we rose from the table, Mr. Langlois, describing the earnestness, with which he said, Mr. Clark had solicited the affidavit, threw his arms about me, saying, "O! my dear Langlois, you alone, can save me, and a hundred thousand dollars, will not pay what I shall owe you;" and then he added, "and all I have gotten from him is this lot."

Question 3.—Did you not understand from said Langlois, that the promise made by Clark, or the expectations held out by him, were in compensation for the deposition of the said Langlois, against General Wilkinson?

Answer.—To the third query, I answer, that I clearly understood from said Langlois, that the promise, which he said had been made him by Mr. Clark, or the expectations which he said had been held out to him, were in compensation for the deposition of the said Langlois, against General Wilkinson.

Question 4.—Did you not understand, from said Langlois, that D. Bouligny, was first employed by Clark, and sent to him, to induce the said Langlois to give his deposition, and what was the answer of the said Langlois, to the said Bouligny?

Answer.—To the fourth query, I answer, that during the dinner, of which I have spoken, said Langlois said, that Bouligny had first applied to him, on the part of Mr. Clark; that he replied to Bouligny, that he was not keen enough to deceive him; (his words were, vous n'etes pas asser fin pour me couillonner); that if Mr. Clark had any business with him, he might apply to him himself.

Question 5.—Did not the said Langlois acknowledge to have received from the said Clark, a certain consideration, for his deposition against General Wilkinson? and what was it? Were not these declarations of Mr. Langlois communicated to Mr. Clark, and what was his answer?

Answer.—In answer to the fifth query, I say, that Mr. Langlois did acknowledge, that the lot which he sold to Mr. Belourgoy, had been given to him by Mr. Clark, in consideration of his deposition against General Wilkinson. All I heard on this subject, from Mr. Langlois, I communicated to Mr. Clark, as far as my recollection served me at the time, being on civil terms with him, and wishing to render him the service that men, however slightly acquainted, owe to one another. Though after I had communicated to Mr. Clark, what I had heard from Mr. Langlois, the affair appeared to me equally unfavourable, to the moral character of the former; and of the latter, I should have observed silence, but for the consideration urged above. As to what Mr. Clark observed, on my communicating to him this affair, all I recollect is, that he denied having embraced Langlois, or spoken any thing like the words ascribed to him by Langlois; that he said, that Langlois had made the affidavit with very little persuasion; that the question was, was his deposition true, or was it not; that it was but a link in a chain of evidence; that he had made a present of the lot to Langlois, who wanted him to build a house on it, which he refused to do; that the lot was worth eleven hundred dollars.

(Signed) H. P. NUGENT.

[Sworn to before me, Missounet, a justice of the peace, at New Orleans, on the 6th of September, 1811.]

No. XXVII.

DEPOSITION OF T. B. S. THIERRY.

[Which was read in evidence, by consent of the Judge Advocate, before the General Court Martial, convened at Fredericktown, for the trial of General James Wilkinson.]

Interrogated by General Wilkinson.

Question 1.—Are you acquainted with Francis Langlois, and how long since your acquaintance?

Answer.—I have had the opportunity of knowing Mr. Langlois, at Mr. Brognier Declouet's, about two years ago, but I have never been on an intimate footing with him.

Question 2.—Had you any conversation with said Langois, respecting a publication in the Louisiana Courier, of March 18th, 1811, signed H. P. Nugent? if so, be pleased to state the particulars of such conversation?

Answer.—Some days after the publication signed H. P. Nugent, which appeared in the Louisiana Courier, of March 18, 1811, Mr. Langlois came whilst I was dining, and told me, that he wished to have some conversation with me, concerning the said publication. We went together into my closet, and there he confirmed to me all the details, mentioned by Mr. Nugent.

Question 3.—Did the said Langlois state, that Daniel Clark, of New Orleans, made many brilliant promises, and used much entreaty to obtain from him, an affidavit against General Wilkinson, and that he consented to give such affidavit, under the promise from Clark, that it should not be published?

Answer.—Mr. Langlois stated, that Mr. Clark offered him the most brilliant prospect of fortune, if he would consent to give him the affidavit against General Wilkinson; saying, that it was for his own satisfaction, and that it never should be printed or published.

Question 4.—Did you understand from said Langlois, that he received a recompense from said Clark, for the deposition he furnished, respecting General Wilkinson, and what was that recompense?

Answer.—I am convinced, as well by the statement of Mr. H. P. Nugent, as by the avowal made by the said Mr. Langlois, that a lot of ground, on the Bayou road, must have been the price attached to the said affidavit, since Mr. Langlois told me, that the said lot of ground had been given to him by the said D. Clark; who, after having obtained the earnestly desired affidavit, took into his arms the said Langlois, exclaiming, that one hundred thousand dollars would not suffice to pay the eminent service, which he had just rendered to him.

(Signed) THIERRY.

[Sworn to before me, Colson, a justice of the peace at New Orleans, on the 6th of September, 1811.]

No. XXVIII.

DEPOSITION OF ANDREW ELLICOTT.

[Read in evidence, by consent of the Judge Advocate, before the Court of Enquiry, ordered by the President of the United States, to enquire into the conduct of Brigadier-general James Wilkinson.]

Interrogated by General Wilkinson.

1. Were General Washington's instructions to you to scrutinise my conduct, written or verbal?

2. In speaking of certain citizens of the United States, connecting themselves improperly with the Spanish government, did General Washington state

to you the grounds and nature of his suspicions, and the objects which such persons might have or had in view in such associations with the Spanish government?

3. Do you recollect what other names besides General Wilkinson's were mentioned on that occasion, by General Washington?

4. Did you feel yourself bound by that engagement to act as a spy on General Wilkinson's conduct; and in what manner did you fulfil it? Did you ever report General Wilkinson for any illegal act, or any illicit connexion?

5. Did General Washington, by word or manner, express to you any serious apprehension, of dangerous consequences to the Union, from the disaffection mentioned to you?

6. When and where did you become acquainted with Philip Nolan?

7. What was his general character, and did he not render you services on your route down the Mississippi, to Natchez, as a commissioner of limits?

8. Was he not zealously attached to the United States, and do you not think he would have supported, the interest of the United States, at every hazard of life and property, against any power whatever?

9. Did you ever converse with him, respecting General Wilkinson's connexion and intercourse, with the Spanish government of Louisiana? State every thing concerning the same; whether the said Nolan did not explain to your satisfaction, the nature of that intercourse to be commercial, and whether you have not expressed this circumstance to others?

10. Did not the said Nolan inform you, that General Wilkinson had been playing, a deceptive game with the Spaniards? and do you not know, that a deceptive policy and fictitious appearances, were necessary, with the Spanish government, to protect Nolan's political or commercial enterprises in Louisiana?

11. Did he ever communicate to you any plan he had projected, to save the district of Natchez, if it had been attacked by the Baron of Carondelet, by seizing that officer, when on a reconnoitering party, and bearing him off to the people of the district?

12. Do you know Thomas Power, and what has been your opinion of his character?

13. Did he ever inform you, that General Wilkinson held any illegal connexion, with the Spanish government?

14. Did he ever by letter attempt, to prejudice you against General Wilkinson, and what was the effect?

15. From whom did you receive, the minute information of Power's mission, to the state of Kentucky and Tennessee, and the objects of that mission, and that he was instructed, by the Baron of Carondelet, not to return without seeing General Wilkinson?

16. Was Power apprised, of your knowledge of his mission, to Kentucky and Tennessee, and that he was to see General Wilkinson?

17. Have you not declared, that you considered Thomas Power the enemy of General Wilkinson, and that he would leave nothing undone, to his injury, which art, duplicity, and intrigue could effect?

18. Did you not also declare, in 1800, that you knew Power was not the friend, of General Wilkinson, and that he was a man of duplicity?

19. Did you communicate to the government, all the particulars you had learned, respecting Power's mission to Kentucky and Tennessee, in June, 1797; and under what date was your communication made?

20. Did you understand the interview Power was ordered to seek with General Wilkinson, was for any sinister purpose, or relative to the execution of the treaty of friendship, limits and navigation?

21. Who were those confidential persons in Kentucky and Tennessee, to whom you exposed the objects of Power's mission, and what the particulars of those expositions?

22. Did you ever hear Power speak of General Wilkinson's tobacco concerns, at New Orleans, or say that the Spanish government was indebted to him on that score?

23. To whom was the letter of Gayoso, which fell into your hands, in November, 1798, addressed; and by whom was it delivered to you, and what were the particular contents of it?

24. What other names besides General Wilkinson's was mentioned in that letter of Gayoso, and for what reasons do you presume it to be in hands of D. Clark and T. Power?

25. What effect did this letter of Gayoso, then produce on your mind, relative to the character and conduct of General Wilkinson?

26. Are you certain that it was Gayoso's letter that you saw; and did you not see another letter about the same time that Gayoso's fell into your hands, which appeared to be designed to injure General Wilkinson?

27. How did your conversation respecting General Wilkinson commence with Mr. Portell? Was it at your instance or at his, and for what purpose?

28. Who were the other gentlemen named, by Captain Portell, to have received money from the government of Spain, by the same boat which carried money to General Wilkinson, and who were considered pensioners of that government?

29. Did you understand how Captain Portell came to discover that the money sent to General Wilkinson, was not on account of any commercial transaction?

30. Did you communicate the particulars of this information to the government, and at what time and in what manner; if not, through what motives, did you withhold it from the government?

31. Wherefore were you so particular in noting the precise sum of money, which Portell informed you he had transmitted to General Wilkinson?

32. What impression did this information make on your mind, respecting General Wilkinson? Did it at that time affect your confidence in him?

33. Is not that Portell the same, who gave up a military post to Bowles and a party of Indians, through treachery or cowardice; and has he not been dishonoured for his conduct, by the Spanish government?

34. Did not Daniel Clark, jr. of New Orleans, intercept a private letter from the late Colonel Anthony Hutchins, to his agent in London, and furnish you a copy of the same?

35. Was not the said letter under seal, and was not the seal broken? Did not the said Clark, transmit the said letter or a copy of it to his uncle, Colonel Daniel Clark, of the Mississippi territory, and did he not afterwards publish the same, with a view to injure the writer?

36. Have you not declared that the interception of Colonel Hutchins's letter, was to satisfy your "inquiries, which were intended to serve your country," and had you no other motive?

37. Had not Hutchins represented you to be in the Spanish interest, and did not you desire to employ the intercepted letter, to counteract his representations?

38. Were you not intimate with Hutchins, when you first reached Natchez? Had you not afterwards a bitter animosity against him, and did not you report him to the government, as a British pensioner, and an enemy to the United States?

39. Have you not declared in New Orleans, that almost all of your own and General Wilkinson's enemies, were becoming Spaniards?

40. Have you not declared, a large proportion of the inhabitants of the Mississippi territory, to be a set of the most abandoned, malicious, deceitful, plundering, horse-thieving rascals, on the continent?

41. What was your opinion of General Wilkinson, as he descended the Mississippi, and before he reached Loftus' Heights, the site of fort Adams, in 1798?

42. What was your opinion of his official conduct, and his attachment to his country, after his arrival at Loftus' Heights?

43. What were your ideas of his merits in the year 1800, and did you not express pleasure, on seeing him restored at that time, to the command of our armies?

44. Did not you confide to General Wilkinson, without reserve, your plans and movements, and give him information of high importance, public and personal, whilst engaged on the line of demarcation?

45. Did not you consider General Wilkinson's presence in command, at our southern frontier, in the Mississippi, necessary to the public service, in the year 1799 and 1800, and have you not expressed this sentiment?

46. From your correspondence with General Wilkinson, and observations on his conduct, did you not consider him attached to the interests of his country, and faithful to the trust reposed in him?

47. As far as your own knowledge and observation have extended, have you not considered General Wilkinson, as a military man, patriotic, zealous, active, and faithful, in the discharge of his high duties?

48. Do you know, or have you heard, of any specific act of General Wilkinson, calculated to injure his country, or its government?

49. Has any person, since the conspiracy of Colonel Burr was exposed, applied to you for information respecting General Wilkinson's intercourse, or connexion with the Spanish government of Louisiana? Be pleased to state what passed on these occasions.

50. Has no person applied to you, since Mr. Daniel Clark's information to the House of Representatives, criminating General Wilkinson, for such information as you might possess on the subject, and who was the person or persons?

51. Be pleased to state how it happened, that you furnished Daniel Clark a copy of your letter to General Wilkinson, for publication, without the General's letter which produced it; and is your letter as published, a faithful copy of that you wrote the General, and of that you transmitted to Mr. Clark?

52. Did you expect that the publication of this letter, would serve Mr. Clark, or injure General Wilkinson?

53. From whom did you receive the information, to which you refer, in October, 1797?

54. At what time did Power advise you, he had carried a sum of money and despatches, to General Wilkinson, up the Ohio?

APPENDIX.

Answers to the foregoing Interrogatories, by A. Ellicott.

Pennsylvania,
Borough of Lancaster, } *ss.*

Before me, Jasper Yeates, one of the associate judges of the supreme court of the commonwealth of Pennsylvania, came Andrew Ellicott, of the borough of Lancaster, and being duly affirmed according to law, sayeth, that before he, this affirmant, left the city of Philadelphia, in the year 1796, as commissioner on behalf of the United States, to carry into effect the Spanish treaty, President Washington communicated confidentially to this affirmant, that suspicions had been signified to him, of certain citizens of the United States, improperly connecting themselves with the Spanish government, among whom General Wilkinson was mentioned, and requested this affirmant to pay attention to that subject, but in as private a manner as possible, to prevent the increase of suspicions perhaps ill founded.

On this affirmant's arrival at Cincinnati, he was informed that General Wilkinson had had several interviews (some of them private) with a Spanish agent, or spy, known by the name of Thomas Power, who, it was asserted, had taken a considerable sum of money into the state of Kentucky. This information appeared, at that time, to merit so little attention, that this affirmant made no communication of it to government.

Immediately on the arrival of this affirmant, at Natchez, he heard the common report in that district, from Green, Hutchins, and others, of General Wilkinson's being in Spanish pay; but those reports made no impression on the mind of this affirmant: the doubts and suspicions of Colonel Bruin, and the late Daniel Clark, had some influence, but never so much as to be the subject of a communication.

About the latter end of May, or beginning of June, 1797, this affirmant was made acquainted with an intended and private mission of the before mentioned Thomas Power, to the states of Kentucky and Tennessee, to induce a separation from the Union: and that he was instructed by the Governor-general, the Baron de Carondelet, not to return without having an interview with General Wilkinson. Mr. Power, left Natchez, for the purpose above mentioned, on the 6th of June, 1797, which this affirmant believes is the date of his communication to the department of state, on that subject. The information respecting the mission of Mr. Power, this affirmant suspects was had from some person employed about the office of the Baron de Carondelet.

In October, 1797, this affirmant received (and probably) from the source before mentioned, the outlines of a plan for dismembering the United States, in which the name of General Wilkinson is mentioned as one of the principals. This affirmant was likewise informed that the correspondence between General Wilkinson and the officers of his Catholic Majesty was carried on by cypher, and decyphered by the aid of a pocket dictionary: this circumstance, the affirmant apprehends, is mentioned in his communication in cypher, to the department of state on that subject, bearing date the 14th day of November, 1797.

In the beginning of November, 1798, a confidential letter of Governor Gayoso's fell into the hands of this affirmant. In that letter, General Wilkinson, and several others, are mentioned as having been in the pay and interest of Spain. The interesting parts of that letter, were reduced by this affirmant to

cypher, and accompanied his despatches of the 9th of the month above mentioned, to the department of state.

About the 16th of October, 1799, Captain Portell, of the royal armies of Spain, who then commanded at Apalachy, informed this affirmant, that at New Madrid, in the year 1796, he put on board a boat, under the direction of Mr. Thomas Power, 9,640 dollars, for the use of General Wilkinson. This affirmant, questioned him whether this money was not on account of some mercantile transaction. He declared it was not. This affirmant entered the 9,640 dollars, on a paper, (now in the possession of this affirmant), and handed it to Captain Portell, who told this affirmant it was correct.

The witness being cross examined, by General Wilkinson, saith on his affirmation, that the instructions of President Washington, before mentioned, to him, were verbal and not written.

To the second interrogatory, he answers in the negative.

To the third interrogatory, he answers that the names of Mr. Sebastian and Mr. Brown (not Senator Brown) were also mentioned, on that occasion, by the President, to him; and that he was required to examine the conduct of La Chaise, Volney and Collet, if he should happen to fall in with them, or either of them.

To the fourth interrogatory, he answers in the negative; and that he made no other reports than as before stated, from the information given to him.

To the fifth interrogatory, he answers in the negative, according to the best of his recollection.

To the sixth interrogatory, he answers, that he became acquainted with Philip Nolan, about the beginning of January, 1797, at the confluence of the rivers Mississippi and Ohio.

To the seventh interrogatory, he answers, that Nolan's general character was good, as far as he knew, and that he rendered essential services, during the mission.

To the eighth interrogatory, he answers in the affirmative.

To the ninth interrogatory, he answers, that he is strongly inclined to believe, that Nolan mentioned to him, that the intercourse and connexion of General Wilkinson with the Spanish government was commercial; and that this made considerable impression on his mind; but he cannot recollect, whether or not he has expressed this circumstance to others.

To the tenth interrogatory, he answers in the negative, so far as respects General Wilkinson; but that Nolan told him, that a deceptive policy, and fictitious appearances were necessary on his part to protect his enterprises in Louisiana.

To the eleventh interrogatory, he answers in the affirmative; and that he had made a communication on that subject, to the department of state.

To the twelfth interrogatory, he answers, that he knows Thomas Power; and that his general character is bad, so far as he knows and verily believes.

To the thirteenth interrogatory, he answers in the affirmative; and that Power told him, when Lieutenant Steel took possession of his boat on the Ohio, that he had despatches and money on board for General Wilkinson, but that the witness paid so little regard thereto, that he did not deem it worthy of communication.

To the fourteenth interrogatory, he answers in the negative; and that communications from him would have produced no effect whatever.

To the fifteenth interrogatory, he answers, that he does not know from whom

he received information of Power's mission; but that if he be allowed to express his suspicions, he suspects it was forwarded by Daniel Clark, who, however, never conversed with him on that head.

To the sixteenth interrogatory, he answers in the negative.

To the seventeenth interrogatory, he answers in the affirmative.

To the eighteenth interrogatory, he answers, that he cannot particularly recollect, but thinks it highly probable.

To the nineteenth interrogatory, he answers in the negative; that he neither had time nor deemed it material. The date of the communication was June 5, 1797.

To the twentieth interrogatory, he answers in the negative.

To the twenty-first interrogatory, he answers, that among others, he exposed the objects of Power's mission to Colonel Rankin, of Kentucky, and Colonel Henly, the agent of the board of war, in Tennessee.

To the twenty-second interrogatory, he answers in the negative.

To the twenty-third interrogatory, he answers, that Gayoso's letter was addressed to Thos. Power, but cannot tell who delivered it to him; that the same was intercepted by means used by the witness, but he declines being more particular as to those means, as his answers may tend to criminate himself. He communicated the particular contents to the department of state confidentially, and has no objection to the injunction of secrecy being taken off.

To the twenty-fourth interrogatory, he answers, by referring to his communication; and that he presumes the letter to be in the hands of Power, from being addressed to him; and from the connexion between Clark and Power, the latter may have handed it to the former.

To the twenty-fifth interrogatory, he answers, that this letter produced more effects on his mind than all his previous informations; but that whatever plan had been in contemplation, it had been abandoned.

To the twenty-sixth interrogatory, he answers, that he is certain it was Gayoso's letter, and saw no other.

To the twenty-seventh interrogatory, he answers, that the conversation with Portell, arose at the instance of witness.

To the twenty-eighth interrogatory, he answers, that Portell, among others, named Lackasang, Sebastian and Brown, (not the Senator) as pensioners of the Spanish government.

To the twenty-ninth and thirtieth interrogatories, he answers in the negative; and he did not communicate the particulars to the government, in consequence of a letter, which he received from Timothy Pickering, the then secretary of state, directing him not to forward it.

To the thirty-first interrogatory, he answers, that he was particular, in noting the precise sum of money, transmitted to the General, because the precise sum had been mentioned to him.

To the thirty-second interrogatory, he answers, that the information somewhat affected his confidence in General Wilkinson.

To the thirty-third interrogatory, he answers, that this same Portell, gave up a military post, to Bowles: whether he was dishonoured by the Spanish government, he knows not.

To the thirty-fourth interrogatory, he answers, that he knows nothing of the intercepting the letter in question; but it was laid before him, at the house of Daniel Clark, where he lodged, either by Major Minor, Nolan, or Clark.

To the thirty-fifth interrogatory, he answers, that the seal of the letter was broken: as to the rest, he knows not.

To the thirty-sixth, thirty-seventh, thirty-eighth, thirty-ninth, and fortieth interrogatories, he answers severally, in the affirmative.

To the forty-first interrogatory, he answers, that he did much business with General Wilkinson, of a public nature, and as far as he saw, or observed him, his conduct was that of a good citizen of the union, a soldier, and a gentleman; and, in answer to the forty-second interrogatory, and also to the forty-third, he saith his opinion of him continued favourable, as above.

To the forty-fourth interrogatory, and also to the forty-fifth, forty-sixth, and forty-seventh, he answers in the affirmative.

To the forty-eighth interrogatory, he answers in the negative, further than he has above declared.

To the forty-ninth and fiftieth interrogatories, he answers, that no person applied to him for information on the subjects, before mentioned, unless Mr. Daniel W. Coxe, of Philadelphia, who called on him, in the month of January last, and told him, the affair between General Wilkinson and Clark, was becoming very serious, and asked him, if he was willing to take a trip to Washington, to which the witness answered in the negative: He inquired where Isaac Wayne, Esq. the son of General Wayne, lodged, and was told. The interview did not last above fifteen minutes; the room being full of company, at the time.

To the fifty-first interrogatory, he answers, that he can give no reason, for his sending to Mr. Clark, the copy of his letter to General Wilkinson, without a copy of the letter from the General, which produced it; that Mr. Clark was informed, in the first instance, that it was not intended for publication, but in a subsequent letter, he was told, that it might be used before the court of inquiry, if it could throw any light on the transactions: he had no intent to injure General Wilkinson thereby, in answer to the fifty-second interrogatory.

The fifty-third interrogatory, is answered before; and, as to the last, he saith, that it was at the time they were operating on the line, in that country, and after General Wilkinson had come into that country.

ANDW. ELLICOTT.

[Deposed to, before Jasper Yeates, one of the associate judges of the supreme court of Pennsylvania, on the 22d May, 1808.]

No. XXIX.

GENERAL WILKINSON'S APPEAL TO PRESIDENT WASHINGTON.

Greenville, February 6th, 1796.

Sir.—Whatever may be the general impropriety, I trust, that the imperious circumstances of the case, may warrant my deviation from official forms, and protect me against the charge of presumption, for venturing to address you directly, on a subject which involves the strongest personal, as well as public interests.

The annunciation in the Gazettes, of Mr. Pickering's promotion to the office of State, and my ignorance whether any appointment has taken place, to occupy the department of war, might be offered in extenuation of the trespass I am

about to make; but, when to these considerations, are added, the force of impulsions, more powerful in their operation, I hope my justification may be secured.

The disclosures and the claims, exhibited on these sheets, have sprung from a lively sense of my obligations to you, to the public, to my own name, and to my offspring; and they lead to a public enquiry, without which, it would seem impossible to me, to obtain complete reparation. But, knowing that discussions of this nature, however grateful to individuals, are rarely productive of any good to the public, I have considered it most expedient, to intrude my representations upon your private attention, to take the result of your judgment; and having for my main object, the preservation of your confidence, I shall rest satisfied, with the assurance that I possess it; and preferring the public tranquillity, to my private feelings, I shall contentedly look forward, to time and opportunity, for further satisfaction.

If I err herein, and incur your displeasure, I shall not find perfect indemnity in the approbation of my own mind, but will seek for pardon in that breast, where wisdom dispenses justice, tempered with mercy.

Major Cushing, a soldier since the year 1775, who has bled under your orders, has my directions to deliver the packet to your own hand, and he will convey the ordinary reports to the war office. I select him for the trust, because in point of professional merits, he stands at the head of his grade; and that to high honour and great discretion, he adds a sacred regard for your person, and a veneration for the government of his country.

With the warmest, the most respectful and sincere attachment,

I am, Sir, your faithful soldier and servant,

JA: WILKINSON.

George Washington, President of the United States.

Head Quarters, Greenville, Jan. 31, 1796.

Sir.—If conscious rectitude as a man, or unshaken fidelity as an officer, can sanction pretensions to the indulgence of government, I feel my claim to be well founded; but, such pretensions aside, I conceive ample security, in the justice and impartiality of the president, that in a case so deeply affecting my personal fame, and military fortune, I shall be honoured with his attention.

That an humble individual like myself, should be aspersed in these times of general calumny, (when slander on stilts, stalks over the fences of reputation, and the shafts of defamation are levelled at the greatest and best of men) can be no matter of surprise; but, that a national officer, occupying the front rank of honour, should so far forget social obligations, professional punctilios, and the dignity of his station, as to tamper with a traitor, to adopt his slanderous tales, and to barter his forfeit life, for secret information, calculated to ruin the good name of a brother officer, is an afflicting testimony of human depravity, and an evidence of the sinister means, to which a man may resort, to gratify his personal resentment, or to glut his malevolence: for the application of these reflections, I beg leave to submit the following detail of facts.

Pending the campaign of 1794, a certain Robert Newman, then employed in the Quarter-Master General's department, deserted the service, and went over to the enemy; after visiting Detroit, and other posts, occupied by the troops of his Britannic Majesty, he proceeded to Philadelphia, pretended he had been captured by the Indians, and on the credit of this story, he actually obtained

money from the secretary of war, to facilitate his return to Kentucky, the place of his abode; but the official report of General ——— overtook him; he was seized at Pittsburgh, from whence he was conveyed in irons to the Head Quarters of the Legion, at this place.

Here he was at first committed to the provost guard, and treated with the utmost severity; but a secret correspondence soon ensued between him and General ———, and his condition was ameliorated. His irons were knocked off; he was removed to the quarters of the General's body guard; was comfortably accommodated, and well entertained, from the table of the Assistant Quarter Master, at the public expense—finally, this traitor, upon a flimsy pretext, was discharged without a trial, furnished with a public horse, and, as I am credibly informed, well stocked with money.

Innocent, absent, unsuspicious, and ignorant of these dark transactions, I slept in security, while my enemies plotted my destruction.

In this summary view of the subject, we find solid ground for suspicion; but, my appeal to the breast of the President, does not rest upon mere speculation; for, although I have not yet been able to explore the depth of this inhuman plot, yet accident, or the interposition of Heaven, by putting into my hands, the original certificate of Mr. Justice Harrison, has led to discoveries, which warrant the following shocking conclusions.

That Newman, in his desperate situation at Greenville, was *prompted* to offer some important discoveries to General ———, as the price of his pardon; and that, knowing (as every body did) the rancorous hatred which that General bore to me, he, the better to insure belief, and to save his neck from the halter, framed these pretended discoveries, to calumniate me, and other persons, with whom it was notorious, I had lived in habits of intimacy.

Could the commander in chief of the legion, have foreseen, that the pit thus prepared for me, was afterwards to receive himself, it is probable, I might have been favoured with official information of the foul attempt against my honour, since it went equally to stab his own; and then too, the traitor would have satisfied the justice of his country, by receiving the punishment due to his crimes.

Permit me, Sir, to indulge a few observations, on the unpleasant occasion; let us trace the transaction through its numerous inconsistencies, and consider what credit is due to the informer, or whether credulity itself, could give faith to the infamous aspersion.

Newman deserts, and goes round to Philadelphia, where he imposes on the officers of government, a tale at direct variance with that, which he afterwards fabricated at Louisville; and, doubtless, both were at variance, with the story which he framed at this place, as the price of his illicit discharge—for, had he been foolish enough to accuse the General in the last instance, this would have defeated his object of personal safety, and precipitated his perdition.

What will not a man do to save his life, when that man happens to be a stranger to every sense of honour? The lives, and (which are more precious) the reputations of others, are but feathers in the balance, when opposed to his own despicable existence—but, should this precedent obtain, and felons, with halters about their necks, be encouraged to exculpate themselves, by criminating the innocent and unheard, the foundations of personal security will be sapped, and the fountains of human happiness be poisoned.

I am charged with a plot to sell the army of the United States, to the enemy.

If, by the enemy, the British are meant, the absurdity of the charge is self-evident, for the British nation was at peace with the United States. The only market, then, for a bargain of this kind, must have been found among the savages; they were, indeed, the enemy—but what had they to give the traitor in return? Savages have neither money, nor property; and lands, to which the United States had the pre-emption, could not have been considered a subject of sound speculation.

The whole story is, in fact, such a tissue of falsehood and absurdity, that I should not have given the Executive, or myself, a moment's trouble concerning it, were I assured, it had not travelled across the mountains, in a guise calculated to rob me of the presidential confidence, and to filch from me, the "immediate jewel of my soul"—however indisposed I may be to controversies, these are stakes worthy of contention, with my latest breath, and in the last extremity.

Bound by the most solemn obligations, as well personal, as public, to deserve the executive favour, and to justify his election by an exemplary conduct, I am impelled by every emotion, which can affect the head or the heart, to repel without a moment's pause, the slightest imputations injurious to my fame; and, armed with conscious rectitude, I challenge the world to impeach my conduct, in any relation, political or military.

When I reflect on the misunderstanding, which hath subsisted between General Wayne, and myself—When I reflect on the mysterious conduct, observed at head quarters, towards Newman—When I consider the distrustful tenor of my late orders, which prostrate the essential principles of duty and of service, and endanger the public interests, to make my subalterns independent of me—When facts concur to awaken suspicion, and the wounded sensibility of a soldier, reminds him of indelicacies received, and of treatment unmerited—I add, Sir, when all these circumstances are combined, and fairly considered, you will pardon, I am sure, any anxiety on my part, which has for its object, the developement of truth, and the vindication of insulted honour.

The enclosed certificate, establishes one, from many, of the indecent liberties, applied to a general officer, bearing the commission of the President of the United States, and in a quarter, where the public service required harmony to be cherished—What barbarity!—to rob me of my command—to deny me even a centinel to my quarters—and then to aggravate my wrongs, by reproaches of the most indelicate cast.

In circumstances like these, and feeling what I profess—I trust, Sir, you will think with me, that I have a fair claim on the archives, and the justice of government, for copies of all papers, whether public or private, which tend to asperse, or to implicate my honour; and, it is my ardent prayer, that it may be deemed expedient to institute an enquiry, into the circumstances of Newman's desertion, and of the causes which have arrested the course of justice, and robbed his country of his forfeit life.

In this place, I hope, I may with becoming pride, be permitted to assert, what I should be happy in an opportunity to verify by testimony—That my conduct, during the campaign of 1794, was too conspicuous to be equivocal, too ardent to be insincere, and that nothing could be more grateful to my feelings, than the most rigorous investigation of it.

Should my sensibility have urged me in this address, beyond the strict limits of decorum, I hope the trespass may be imputed to the indignant emotions of a

wounded spirit, agonising under the keenest sense of its wrongs, and not to any intentional disrespect to the executive, of which I am incapable.

I pray of you, Sir, to lay this letter before the President, and that you may be pleased to apprise me of his pleasure.

With great respect, I have the honour to be, Sir,

Your most humble and obedient servant,

JAMES WILKINSON.

This letter was received from my hand, by the President in person, in February, 1796. T. H. CUSHING.

No. XXX.

LETTERS FROM PRESIDENT JEFFERSON TO GENERAL WILKINSON.

Washington, January 3, 1807.

Dear Sir.—I had intended yesterday, to recommend to General Dearborn, the writing to you weekly, by post, to convey information of our western affairs, so long as they are interesting; because it is possible, though not probable, you might sometimes get the information quicker this way than down the river; but the General received yesterday, information of the death of his son in the East Indies, and of course, cannot now attend to business. I therefore, write you a hasty line for the present week, and send it in duplicates, by the Athens and the Nashville routes.

* * * * * * * * * *

The very man, whom they represented to you as gone to Jamaica, and to bring the fleet, has never been from home, and has regularly communicated to me, every thing which had passed between Burr and him. No such proposition was ever hazarded to him. France or Spain, could not send a fleet to take Vera Cruz; and, though one of the expeditions, now near arriving from England, is probably for Vera Cruz, and perhaps already there, yet the state of things between us, renders it impossible they should countenance an enterprise, unauthorised by us. Still, I repeat, that these grounds of security, must not stop our proceedings or preparations, until they are further confirmed. Go on, therefore, with your works, for the defence of New Orleans, because they will always be useful, only looking to what should be permanent, rather than means merely temporary. You may expect further information as we receive it: and though I expect it will be such as will place us at our ease, yet we must not place ourselves so until it be certain, but act on the possibility, that the resources of our enemy may be greater and deeper, than we are yet informed.

Your two confidential messengers, delivered their charges safely. One arrived yesterday only, with your letter of November 12th. The oral communications he made me, are truly important. I beseech you, to take the most special care of the two letters which he mentioned to me, the one in cypher, the other from another of the conspirators of high standing, and to send them to me by the first conveyance you can trust. It is necessary, that all important

testimony should be brought to one centre, in order that the guilty may be convicted, and the innocent left untroubled.

Accept my friendly salutations, and assurances of great esteem and respect,

TH: JEFFERSON.

Washington, February 3, 1807.

Sir.—A returning express, gives me an opportunity of acknowledging the receipt of your letters of Nov. 12th, Dec. 9th, 14th, 18th, 25th, 26th, and Jan. 2d. I wrote to you Jan. 3d, and through Mr. Briggs, Jan. 10th. The former being written, while the secretary at war, was unable to attend to business, gave you the state of the information we then possessed, as to Burr's conspiracy. I now inclose you a message, containing a complete history of it, from the commencement, down to the eve of his departure from Nashville, and two subsequent messages, shewed, that he began his descent of the Mississippi, January 1st, with 10 boats, from 80 to 100 men of his party, navigated by 60 oarsmen, not at all of his party. This I think, is fully the force, with which he will be able to meet your gun boats, and, as I think, he was uninformed of your proceedings, and could not get the information till he would reach Natchez, I am in hopes, that before this date, he is in your possession. Although, we at no time believed, he could carry any formidable force out of the Ohio, yet we thought it safest, that you should be prepared to receive him, with all the force which could be assembled, and with that view our orders were given: and we were pleased to see, that without waiting for them, you adopted nearly the same plan yourself, and acted on it with promptitude; the difference between yours and ours, proceeding from your expecting an attack by sea, which we knew impossible either by England, or by a fleet under Truxtun, who was at home, or by our own navy, which was under our own eye. Your belief, that Burr would really descend with 6 or 7000 men, was no doubt founded, in what you knew of the numbers which could be raised in the western country, for an expedition to Mexico, *under the authority of the government*; but, you probably, did not calculate, that the want of that authority, would take from him every honest man, and leave him only the desperadoes of his party, which, in no part of the United States, can ever be a numerous body. In approving, therefore, as we do approve, of the defensive operations for New Orleans, we are obliged to estimate them, not according to our own view of the danger, but to place ourselves in your situation, and only with your information. Your sending here, Swartwout and Bollman, and adding to them Burr, Blennerhasset and Tyler, should they fall into your hands, will be supported by the public opinion. As to Alexander, who is arrived, and Ogden expected, the evidence yet received, will not be sufficient to commit them. I hope, however, you will not extend this deportation to persons, against whom there is only suspicion, or shades of offence, not strongly marked. In that case, I fear the public sentiment would desert you; because, seeing no danger here, violations of law are felt with strength. I have thought it just, to give you these views of the sentiments and sensations here, as they may enlighten your path. I am thoroughly, sensible of the painful difficulties of your situation, expecting an attack from an overwhelming force, unversed in law, surrounded by suspected persons, and in a nation, tender as to every thing infringing liberty, and especially from the military. You have,

doubtless, seen a good deal of malicious insinuation in the papers against you. This of course, begat suspicion and distrust, in those unacquainted with the line of your conduct. We, who know it, have not failed to strengthen the public confidence in you, and I can assure you, that your conduct, as now known, has placed you on ground extremely favourable with the public. Burr and his emissaries, found it convenient to sow distrust in your mind, of our dispositions towards you; but be assured, that you will be cordially supported in the line of your duties. I pray you to send me B.'s original letter, communicated through Briggs, by the first entirely safe conveyance. Accept my friendly salutations and assurances of esteem and respect.

TH: JEFFERSON.

Washington, June 21st, 1807.

Dear Sir.—I received last night, yours of the 16th, and sincerely congratulate you, on your safe arrival at Richmond, against the imprudent surmises and hopes of the band of conspirators, who, because they are as yet permitted to walk abroad, and even to be in the character of witnesses, until such a measure of evidence shall be collected, as will place them securely at the bar of justice, attempt to cover their crimes under noise and insolence. You have indeed, had a fiery trial at New Orleans, but it was soon apparent, that the clamorous were only the criminal, endeavouring to turn the public attention from themselves, and their leader, upon any other object.

* * * * * * * * * *

Your enemies have filled the public ear with slanders, and your mind with trouble, on that account. The establishment of their guilt, will let the world see what they ought to think of their clamours; it will dissipate the doubts of those who doubted for want of knowledge, and will place you on higher ground in the public estimate, and public confidence. No one is more sensible than myself, of the injustice which has been aimed at you.

Accept, I pray you, my salutations and assurances of respect and esteem.

TH: JEFFERSON.

Extract from the President's Message, of the 22d January, 1807.

Some time in the latter part of September, I received intimations, that designs were in agitation in the Western country, unlawful, and unfriendly to the peace of the Union; and that the prime mover in these, was Aaron Burr, heretofore distinguished by the favour of his country. The grounds of these intimations being inconclusive, the objects uncertain, and the fidelity of that country known to be firm, the only measure taken, was to urge the informants to use their best endeavours to get further insight into the designs and proceedings of the suspected persons, and to communicate them to me.

It was not till the latter part of October, that the objects of the conspiracy began to be perceived; but still so blended, and involved in mystery, that nothing distinct could be singled out for pursuit. In this state of uncertainty, as to the crime contemplated, the acts done, and the legal course to be pursued, I thought it best to send to the scene, where these things were principally in transaction, a person in whose integrity, understanding and discretion, entire

confidence could be reposed; with instructions to investigate the plots going on, to enter into conference (for which he had sufficient credentials) with the Governors, and all other officers, civil and military, and, with their aid, to do on the spot whatever should be necessary to discover the designs of the conspirators, arrest their means, bring their persons to punishment, and to call out the force of the country to suppress any unlawful enterprise, in which it should be found they were engaged. By this time it was known that many boats were under preparation, stores of provisions collecting, and an unusual number of suspicious characters in motion on the Ohio, and its waters. Besides despatching the confidential agent to that quarter, orders were, at the same time, sent to the Governors of the Orleans and Mississippi territories, and to the commanders of the land and naval forces there, to be on their guard against surprise, and in constant readiness to resist any enterprise which might be attempted on the vessels, posts, or other objects under their care: and on the 8th of November, instructions were forwarded to General Wilkinson, to hasten an accommodation with the Spanish commandant on the Sabine, and as soon as that was effected, to fall back, with his principal force, to the hither bank of the Mississippi, for the defence of the interesting points on that river. By a letter received from that officer, on the twenty-fifth of November, but dated October twenty-first, we learnt, that a confidential agent of Aaron Burr, had been deputed to him, with communications, partly written in cypher, and partly oral, explaining his designs, exaggerating his resources, and making such offers of emolument and command, to engage him and the army, in his unlawful enterprises, as he had flattered himself would be successful. The General, with the honour of a soldier, and fidelity of a good citizen, immediately despatched a trusty officer to me, with information of what had passed, proceeded to establish such an understanding with the Spanish commandant on the Sabine, as permitted him to withdraw his force across the Mississippi, and to enter on measures for opposing the projected enterprise.

The General's letter, which came to hand on the twenty-fifth of November, as has been mentioned, and some other information received a few days earlier, when brought together, developed Burr's general designs, different parts of which, only, had been revealed to different informants. It appeared, that he contemplated two distinct objects, which might be carried on either jointly or separately, and either the one or the other first, as circumstances should direct. One of these was the severance of the Union of these States, by the Alleghany mountains; the other an attack on Mexico. A third object was provided, merely ostensible, to wit: the settlement of a pretended purchase of a tract of country on the Washita, claimed by a baron Bastrop. This was to serve as the pretext for all his preparations, an allurement for such followers as really wished to acquire settlements in that country, and a cover under which to retreat, in the event of a final discomfiture of both branches of his real design.

He found at once, that the attachment of the western country, to the present Union, was not to be shaken; that its dissolution could not be effected with the consent of its inhabitants, and that his resources were inadequate, as yet, to effect it by force. He took his course then at once, determined to seize on New Orleans, plunder the bank there, possess himself of the military and naval stores, and proceed on his expedition to Mexico; and to this object, all his means and preparations were now directed. He collected from all the quarters, where himself or his agents possessed influence, all the ardent, restless, desperate and

disaffected persons, who were ready for any enterprise analogous to their characters. He seduced good and well meaning citizens, some by assurances that he possessed the confidence of the government, and was acting under its secret patronage; a pretence which procured some credit from the state of our differences with Spain; and others, by offers of land in Bastrop's claim, on the Washita.

This was the state of my information of his proceedings, about the last of November; at which time, therefore, it was first possible to take specific measures to meet them. The proclamation of November 27th, two days after the receipt of General Wilkinson's information, was now issued. Orders were despatched to every interesting point on the Ohio and Mississippi, from Pittsburg to New Orleans, for the employment of such force, either of the regulars or of the militia, and of such proceedings also of the civil authorities, as might enable them to seize on all boats and stores, provided for the enterprise, to arrest the persons concerned, and to suppress effectually, the further progress of the enterprise. A little before the receipt of these orders in the state of Ohio, our confidential agent, who had been diligently employed in investigating the conspiracy, had acquired sufficient information to open himself to the Governor of that State, and to apply for the immediate exertion of the authority and power of the state, to crush the combination. Governor Tiffin, and the legislature, with a promptitude, an energy, and patriotic zeal, which entitle them to a distinguished place in the affection of their sister states, effected the seizure of all the boats, provisions, and other preparations within their reach; and thus gave a first blow, materially disabling the enterprise in its outset.

In Kentucky, a premature attempt to bring Burr to justice, without sufficient evidence for his conviction, had produced a popular impression in his favour, and a general disbelief of his guilt. This gave him an unfortunate opportunity of hastening his equipments. The arrival of the proclamation and orders, and the application and information of our confidential agent, at length awakened the authorities of that state to the truth, and then produced the same promptitude and energy, of which the neighbouring state had set the example. Under an act of their legislature, of December 23d, militia was instantly ordered to different important points, and measures taken for doing whatever could yet be done. Some boats (accounts vary, from five to double or treble that number) and persons (differently estimated, from one to three hundred) had, in the mean time, passed the falls of Ohio, to rendezvous at the mouth of Cumberland, with others expected down that river.

Not apprised, till very late, that any boats were building on Cumberland, the effect of the proclamation had been trusted to, for some time, in the state of Tennessee; but on the nineteenth of December, similar communications and instructions, with those to the neighbouring states, were despatched, by express, to the Governor, and a general officer of the western division of the state; and on the twenty-third of December, our confidential agent left Frankfort for Nashville, to put into activity the means of that state also. But by information received yesterday, I learn that on the twenty-second of December, Mr. Burr descended the Cumberland, with two boats, merely of accommodation, carrying from that state no quota towards his unlawful enterprise. Whether, after the arrival of the proclamation, of the orders, or of our agent, any exertion which could be made by that state, or the orders of the Governor of Ken-

tucky for calling out the militia at the mouth of Cumberland, would be in time to arrest these boats, and those from the falls of Ohio, is still doubtful.

On the whole, the fugitives from the Ohio, with their associates from Cumberland, or any other place in that quarter, cannot threaten serious danger to the city of New Orleans.

By the same express, of December 19th, orders were sent to the Governors of Orleans and Mississippi, supplementary to those which had been given on the 25th of November, to hold the militia of their territories in readiness to cooperate for their defence, with the regular troops and armed vessels, then under command of General Wilkinson. Great alarm, indeed, was excited at New Orleans, by the exaggerated accounts of Mr. Burr, disseminated through his emissaries, of the armies and navies he was to assemble there. General Wilkinson had arrived there himself on the 24th of November, and had immediately put into activity the resources of the place, for the purpose of its defence; and on the 10th of December, he was joined by his troops from the Sabine. Great zeal was shewn by the inhabitants generally; the merchants of the place readily agreeing to the most laudable exertions and sacrifices, for manning the armed vessels with their seamen; and the other citizens manifesting unequivocal fidelity to the Union, and a spirit of determined resistance to their expected assailants.

No. XXXI.

EXTRACTS FROM A. ELLICOTT'S COMMUNICATION TO SECRETARY PICKERING.

Darling's Creek, November 8th, 1798.

Sir.

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Mr. Power, a gentleman well known for his intrigues in Kentucky, and other parts of the United States, is the surveyor on the part of the crown of Spain: he has attended but one week on the line; and I do not believe that he will attend another during the execution of the work. He has, however, employed a deputy, who is Mr. Daniel Burnet, the same person who carried Mr. Hutchinson's papers to congress last winter—he has yet behaved very well. The others employed, Major Minor excepted, are of little consequence, except to disorganise and talk politics. The acting commissary, is a Mr. Gensack. He was taken by the British at the Cape, and carried to Jamaica, from whence he made his escape to the United States, where he found safety: but, in the true character of his nation, he equally hates both Americans and British—he is sullen, reserved, and intriguing. There are no Spaniards concerned in the business, but a few of the common soldiers. Major Minor and Mr. Burnet, are Americans; the others, including the labourers, are generally French, or descended from French ancestors, or Roman Catholic Irish.

When I look over this strange heterogeneous collection, I cannot help asking this question, "Can the Spaniards really be serious in carrying the treaty into effect?"—If they are, it is very extraordinary, that there is not one of that nation employed, above the rank of a common soldier.

I have always been of opinion, that it was a happy circumstance for both countries, that Major Minor, was appointed the commissioner in behalf of the crown of Spain. His prudence, and sound judgment, will, in all probability, enable us to carry the work through; which, I am confident, would [not] have been the case, had Mr. Power been appointed to that trust, as was proposed by Governor Gayoso, and to which I pointedly objected, as did Mr. Dunbar also.

* * * * * * * * * *

On Friday, the 12th of last month, General Wilkinson, arrived at our camp, and continued with us till Sunday, the 14th—we had much conversation on the state and situation of the country—his ideas respecting both, appeared very correct, so far as I was able to determine. He informed me, that he had seen some of Mr. Freeman's correspondence with Captain Guion, which, in his opinion, came fully within the meaning of the late sedition law, and recommended in the most serious manner, that he should be immediately suspended from his employment on the line. This, added to the opinions of Governor Sargeant, (who spent a number of days at our camp) Colonel Bruin, and many other respectable gentlemen, determined me, in taking that measure. The surveying at present, is done by Mr. Gillespie; the chain-carrying, by Ellicott and Walker. General Wilkinson has removed Mr. M'Clary, from the command of my escort; his conduct was far less exceptionable than that of Mr. Freeman, and, when he did err, it was generally the effect of bad advice.

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The reference No. 9, which was in cypher, in my communication of the 14th of November last, contained an account of an extraordinary plan; but that plan, in my opinion, is now given over, and the knowledge obtained of the country, its strength, and the dispositions of the inhabitants, will be turned to the advantage of the United States, by some of the principal characters concerned—it is the best they now can do. That the plan is given over, may be collected from No. 1. which, for particular reasons, is in cypher, and ought to be secret. It cannot be considered as a literal translation, which you will see by the introduction; but it conveys accurately, the ideas contained in the letter, from which it is extracted.

The plan of the Baron de Carondelet, mentioned in my communication of the 27th June, last year, was correct as there stated; the particulars I have since obtained, and will be detailed to you, by a gentleman, in the course of a few months, who was in the secret of the whole business. That you may not be at a loss when that gentleman calls upon you, he will have a letter of introduction from me, with an official communication, and a number of questions, in the same cypher with reference No. 1. His answers to those questions, will convince you, that my information has certainly been correct.

* * * * * * * * * *

I hope the citizens of the United States, begin, by this time, to be weaned from their attachment to the French nation. For my part, I have experienced so much want of principle and integrity, among them and their partisans in this country, both individually and collectively, that my prejudices against the whole nation is so strong, that it is with difficulty I can guard my expressions, so as not to give offence. The arrival of General Wilkinson, has created considerable alarm in the Spanish colonies below, and Governor Gayoso has directed, that the militia within his government, be immediately armed. The fears and jealousies of the Spanish nation, will certainly, in the course of a few years,

occasion the loss of all the country, on this side of the Mississippi, to the crown of Spain.

The whole of my correspondence on various subjects, since my communication of the 29th July last, would make a large volume; and as there is but little of it immediately interesting to the United States, I shall only refer you to numbers 2, 3, 4 and 5.

I am sensible, you will perceive a great want of arrangement in this communication, but at the same time I am equally so, that you will excuse it, when I assure you that the whole packet, except Mr. Clark's letters, and the correspondence with Governor Gayoso, is the work only of two nights and one day, and that in the woods, without any other table than a small instrument box; the weather cold and windy, and all my young men who used to aid me in copying, many miles ahead on the lines.

I am sorry that the report, mentioned in the beginning of this, is not forwarded: my part has been done some time, but the Spanish part is not yet ready, owing to the absence of Mr. Power.

I shall write to you again from New Orleans; in the mean time, believe me to be, with sentiments of the greatest respect and esteem,

Your friend and humble servant,

ANDW. ELLICOTT.

P. S. Daniel Clark, Esq. of New Orleans, has lately spent a number of days with me in my camp. From him I have received much valuable information, which it will be unnecessary for me to detail, as he will give it to you himself in Philadelphia, the ensuing winter. He intends to visit that city, immediately after an interview in New Orleans.

There is not a gentleman of literature or science, and scarcely one of respectability, in this country, with whom I have not been upon the most intimate footing, ever since I came into it: and every attack that has been made upon me, has arisen either from envy or misconception, to which I should never have paid any attention, had the principles of opposition not entered our camp, and began to embarrass our business. A. E.

Hon. Secretary of State for the U. States.

(No. I. received in Mr. Ellicott's, of November 8, 1798.)

[DECYPHERED.]

In a letter of the twenty-third ult. from Governor Gayoso, to Mr. Thomas Power, is the following expressions, as nearly as I can recollect: the letter being written in the Spanish language, and I could not be permitted to take a copy of it.

"I wonder you could not see the design of General Wilkinson's visit to Mr. Ellicott and Mr. Minor's camp—it was to fall upon some measure to obtain his papers. They are all safe, and never will be made use of against him, if he will conduct himself with propriety—in fact, the originals are at the court, the copies only, are with me. Sebastian, and Brown,* have both been here. They were coldly received.

* *I did not know that this gentleman was in New Orleans before; the other I heard of.*

"You may inform them, that their papers, will be kept safe and secret, and will not be made use of to their injury, unless their conduct, in future, should require such a measure. You will endeavour to obtain the names of all the subscribers to the great plan. They may rest assured, that there is no design to injure them, unless their future conduct should merit such a return." So far the letter.

Mr. Power, in speaking to Mr. Minor, about the public accounts, a few days ago, observed, that "if all concerned, had done their duty as well as he had done, the western politics, would, at this time, have been very different; and, that the want of success, which was not his fault, should be made an obstacle to his being paid, was very hard."

No. XXXII.

DEPOSITION OF THOMAS FREEMAN.

[Which was read in evidence, by consent of the Judge Advocate, before the General Court Martial, convened at Fredericktown, for the trial of General James Wilkinson.]

Interrogated by General Wilkinson.

Question 1.—Were you attached to the American commissioner, Andrew Ellicott, when running the line of demarcation, between the United States, and the Floridas? At what time did you join the commissioner, how long did you serve with him, and in what capacity were you employed?

Answer.—I was appointed and commissioned in the usual manner, by the president and senate, "the surveyor on the part of the United States, for running the line of demarcation between the United States and the Floridas," under the treaty with Spain. My commission was dated May 24th, 1796. I joined Mr. Ellicott, the commissioner, at Philadelphia, a day or two previous to our journey to Natchez, where we were to meet the commissioner and surveyor, appointed on the part of the Spanish government. I cannot, from recollection, be very particular, or accurate in dates. We set out on the duties of our appointments, in the autumn of 1796—reached Natchez, in February, 1797—proceeded from Natchez, to commence the line, in May, 1798. I remained but a few months with the party on the line. Mr. Ellicott returned from the line to Philadelphia, the winter of 1800.

Question 2.—Did Daniel Clark, of New Orleans, visit Mr. Ellicott, at Darling's Creek, and how long did he continue with him?

Answer.—I do not recollect having seen Darling's Creek, nor do I recollect Mr. Clark having visited Mr. Ellicott there.

Question 3.—Did you know a woman called Betsy, who sat at Mr. Ellicott's table? What station did she appear to occupy in Mr. Ellicott's family, and what was her known character?

Answer.—I did know the woman called Betsy, who sat at Mr. Ellicott's table. She appeared to occupy the station of a washerwoman to the party. Her known character was that of a prostitute, and of the lowest grade.

Question 4.—Did you observe any particular familiarity and attentions, in the intercourses of the said prostitute, with Ellicott and his son, and what was the age of the boy? Be particular in time, place, and circumstances.

Answer.—I did observe frequent particular familiarities and attentions, in the intercourse of Ellicott and his son, with said prostitute. I cannot now, from recollection, be very particular, in time, place, and circumstance. The boy appeared to be nearly full grown, of about nineteen years of age. I recollect, that Mr. Ellicott introduced that woman Betsy, to Governor Gayoso, on his first visit to our barge, after we had landed at Natchez; and, that so far as their conduct (Ellicott and son) came within my observation afterwards, they continued to pay mutual friendly and familiar attentions to her. It was said, and generally believed, that that extraordinary trio, father, son, and washerwoman, slept in the same bed, at the same time—I did not see, but I believed it. I was even pressed myself by the old sinner, Ellicott, to take part of his bed with his washerwoman and himself, for the night.

Question 5.—Was it not your opinion, and that of all the other gentlemen of the party, that Ellicott, the father, and son, held criminal intercourse with the said harlot Betsy?

Answer.—It was my opinion, and I understood it to be the opinion of every gentleman of both parties, American and Spanish, that the Ellicotts, both father and son, held, and continued a beastly, criminal, and disgraceful intercourse, with the said harlot Betsy.

Question 6.—Do you not believe, from your own observation, that much unnecessary time, was wasted in running the line, in order to continue the emoluments of the commissioners, and to favour sinister speculations against the public?

Answer.—I do believe, and have uniformly asserted, and complained, that much unnecessary time, was wilfully wasted by Mr. Ellicott, both before and after the line was commenced. His motives for such delay, I am not fully acquainted with.

Question 7.—Can you say, what is the general character of the said Ellicott, for truth and veracity?

Answer.—I cannot say, what is the general character of the said Ellicott, for truth and veracity. I do not, myself, believe him to be a man of truth, candour, nor veracity.

Question 8.—Did you not consider him a man, devoid of candour and veracity? Did you ever hear him boast of his services as an engineer, and of the commission he held during the revolutionary war? Be pleased to state particulars.

Answer.—For the first part of this interrogatory, I refer to my last answer. I did hear him boast of his services in the revolutionary war, as engineer; that he lived in General Washington's family; and, that he left the service early, with the commission or grade of Major.

Question 9.—Could the said Ellicott read, write, or translate the Spanish language?

Answer.—I do not recollect to have heard any person, not even himself, ever assert, that he could either read, write, translate, or speak the Spanish language.

(Signed) THOMAS FREEMAN.

[Sworn to, on the 20th day of August, 1811, before me, Daniel Rawlings, a justice of the peace, for Adams county, M. T.]

No. XXXIII.

LETTER FROM DANIEL CLARK, TO GENERAL WILKINSON.

New Orleans, September 7, 1805.

Dear Sir.—Many absurd and wild reports, are circulated here, and have reached the ears of the officers of the late Spanish government, respecting our ex-vice president. You are spoken of as his right hand man; and even I am now supposed to be of consequence enough to combine with generals and vice-presidents. At any other time but the present, I should amuse myself vastly, at the folly and fears of those who are affected with these idle tales; but being on the point of setting off for Vera Cruz, on a large mercantile speculation, I feel cursedly hurt at the rumours, and might, in consequence of Spanish jealousy, get into a hobble I could not easily get out off. Entre nous, I believe that Minor, of Natchez, has a great part in this business, in order to make himself of importance—he is in the pay of Spain, and wishes to convince them he is much their friend. This is, however, matter of suspicion on my part, but the channel through which the information reached me, makes me suppose it. Power, whose head s always stuffed with plots, projects, conspiracies, &c. &c. &c. and who sees objects through a mill-stone, is going to Natchez next week, to unravel the whole of this extraordinary business; and then God have mercy on the culprits, for Spanish ire and indignation, will be levelled at them. What in the name of Heaven, could give rise to these extravagancies? Were I sufficiently intimate with Mr. Burr, and knew where to direct a line to him, I should take the liberty of writing to him. Perhaps, finding Minor in his way, he was endeavouring to extract something from him: he has amused himself, at the blockhead's expense, and then Minor has retailed the news to his employers. Inquire of Mr. Burr about this, and let me know at my return, which will be in three or four months. The tale is a horrid one, if well told. Kentucky, Tennessee, the state of Ohio, the four territories on the Mississippi and Ohio, with part of Georgia and Carolina, are to be bribed with the plunder of the Spanish countries west of us, to separate from the union: this is but a part of the business. Heavens, what wonderful doings there will be in those days! But, how the devil I have been lugged into the conspiracy, or what assistance I can be of in it, is to me incomprehensible. *Vous qui savez tout*, can best explain this riddle. Amuse Mr. Burr with an account of it. But let not these great and important objects, these almost imperial doings, prevent you from attending to my land business. Recollect that you great men, if you intend to become kings and emperors, must have us little men for vassals; and if we have nothing to clothe ourselves with, for we can be clothed with the produce of our lands only, and if congress take the lands for want of formalities, we shall then have no produce; we shall make a very shabby figure at your courts. Think of this, and practise those formalities that are necessary, that I may have, from the produce of my Illinois lands, wherewith to buy a decent court dress, when pre-

sented at your levee. I hope you will not have Kentucky men for your masters of ceremonies.

I remain, dear Sir, very sincerely,
Your humble servant and friend,
DANIEL CLARK.

Brigadier-general Wilkinson.

No. XXXIV.

DEPOSITION OF DANIEL W. COXE.

[Read in evidence, by consent of the Judge Advocate, before the Court of Enquiry, ordered by the President of the United States, to enquire into the conduct of Brigadier-general Wilkinson.]

Interrogated by General Wilkinson.

1st. Have you ever held conversations with Daniel Clark, esquire, respecting the political situation of the territory of Orleans, and the sentiment of its inhabitants towards the United States? If so, relate the tenor of his conversation, particularly at the period while Colonel Burr was engaged in the prosecution of his plans.

2d. Do you remember any conversation, respecting a plan of separation of that territory, from the United States, the manner of its accomplishment, the period when it would take place, or the characters of, and the individuals, concerned in the same.

3d. Have you ever heard Daniel Clark, esquire, mention that Colonel Burr was to be at the head of such a combination, and that he was to be President, with a salary of fifty thousand dollars per annum.

4th. Do you know, or have you any reason to believe, any correspondence took place between Daniel Clark, esquire, and Aaron Burr, during the years 1896 and 1807? if so, relate your knowledge of the same, and how obtained.

5th. Have you considered General Wilkinson and Daniel Clark, esquire, at any time on a friendly footing? Do you know whether any change took place in D. Clark's opinions, and when, of General Wilkinson.

6th. Do you recollect D. Clark's opinions, and when, of General Wilkinson's conduct at New Orleans, in 1806 and 1807; whether he confided in his loyalty to the United States, or suspected him? Relate any knowledge you may have, and whether from Daniel Clark's opinion of the General, or your own knowledge, you have ever proffered your assistance mercantily, or otherwise, in advancing his interests.

7th. Have you, since the charges exhibited in the house of representatives of the United States, in congress, by John Randolph and Daniel Clark, esqrs. gone to Lancaster? Was the motive of the visit to see or communicate with Andrew Ellicott? Did you see or communicate with Andrew Ellicott, and what respecting? Were you induced by the desire of any other person, to take this visit?

8th. Do you know any other matter or thing, that may be of use in the enquiry, respecting the conduct of Brigadier-general Wilkinson, which the military court of enquiry, is now prosecuting at Washington.

APPENDIX.

Answers to the foregoing Interrogatories, by D. W. Coxe.

In reply to the first query.—I have frequently conversed with Mr. Daniel Clark, on the political situation of Louisiana, and well recollect, that he considered the inhabitants as attached to the United States, at the period of the cession, and that it depended entirely on the general government, to cement the bonds of union, by pursuing a sound, and judicious policy. Mr. Clark, being himself, a strong American in principle, (even prior to the cession of that province) and having, on various occasions, exerted his influence in favour of this country, at the hazard of his liberty and fortune, (as is well known to the present and former administrations) it consequently follows, that the people of Louisiana, who derived their opinions principally from him, passed under the American government, with the strongest impressions in favour of its wisdom and justice. Mr. Clark, however, considered the policy adopted by the administration, (after taking possession of New Orleans) as neither wise nor conciliatory, and but illy calculated to inspire the inhabitants of that country, with confidence, in the liberality of its views, and disposition, towards them. At the period of Burr's conspiracy, and since, Mr. Clark believed the Creole inhabitants loyal, disinclined to revolution, and averse from turbulence, and those political schisms, which appeared to disturb the new comers among them.

In reply to the second query.—I remember no mention by Mr. Clark, of any plan, for the separation of Louisiana, from the United States, except the old western conspiracy, for dismembering the union, and General Wilkinson's agency in that affair, which, after the developement of Burr's plot, I knew he believed to be the source of those enterprises, in which he considered Burr and Wilkinson, as united.

In reply to the third query.—After the explosion of Burr's conspiracy, I have heard Mr. Clark express his opinion, that Wilkinson and Burr, had been acting in concert; but I have no recollection, that he ever mentioned to me, that Burr was to be President, with a salary of 50,000 dollars per annum.

In reply to the fourth query.—I know of no correspondence, between Burr, and D. Clark, except a letter, that Mr. Charles Biddle, informed me, he had left with him, to be delivered to Mr. Clark, on his arrival from New Orleans, and which I supposed, to relate to Burr's baggage, part of which, he told me, was left in New Orleans, and called with Mr. Charles Biddle, at my counting house, to inquire, if I had received it, by any of my vessels. I accompanied Mr. Clark, after his arrival, to Mr. Biddle's, to receive the abovementioned letter; and perfectly recollect his saying, (rather peevishly) that Burr and Wilkinson, made him of much importance, and *would* pester him with letters, but, that he had declined corresponding with Burr. No baggage, or letters, however, were received by me, for Col. Burr, from Mr. Clark, or any other person. In further answer to this query, which appears to insinuate a connexion between Mr. Clark, and Col. Burr, I beg leave to state, that having myself, been always strongly impressed with a belief, that Burr was a dangerous, and unprincipled man, and the Marquis de Casa Yrujo, having one day, jestingly observed to me, that he understood, Mr. Clark was going to Vera Cruz, and was intimate with Burr, when at New Orleans, I immediately wrote Mr. Clark (which was about the end of the year 1805) respecting the Marquis's observations, and advised him, to have nothing to say to Burr, in any way. The following, is an extract of Mr.

Clark's answer, to me, on the subject; the entire original of which letter, is annexed hereto, with the post mark thereon.

New Orleans, February 6, 1806.

My dear Friend.—I received, this day, your favour of the 20th December, by post, and thank you for the information, contained in the private enclosure. Be pleased to assure the respectable person, who informed you, I was closely connected with Col. Burr, that he has been much imposed on, in this particular. That I never was acquainted with him, until he came, last summer, to New Orleans, and that I neither was, nor could be mad enough, to attach myself, to a man of desperate fortunes, whose stay among us, did not exceed a fortnight. If he, or any of his friends, have said any thing, which could induce people to believe, I had any connexion whatever, with him, I disclaim it, and time will prove the truth of mine, or their assertions; and I shall be glad to learn, that an eye were kept to my proceedings. What, in God's name, have I to expect, or could I hope, from Col. Burr? And, is it probable, I should commit my fortune, and perhaps reputation, at my period of life, to commit follies for him? No, the thing is too improbable, to think seriously of; and I solemnly assure you, there never has, nor ever shall be, any connexion, between him and me. I lent him, when on the point of departure, a pair of horses, to take him to Natchez, with a servant, to bring them back, and bought his bill, for 300 dollars, on Philadelphia, which I remitted to you, and this is all the politeness or intercourse, I had with him, except once inviting him, with a party, to dinner, and less I could not do, in consequence of the letters, of which he was the bearer to me. I have entered into this long explanation, to set you at rest on this subject, and I beg you will return my thanks to the person, from whom you received your information, for giving me an opportunity of being on my guard, against the attempts, that might be made, to entrap me into any thing, which could appear like a connexion, or intimacy, with Mr. Burr, should he ever return to this quarter. Benjamin Morgan, has a vessel, called the Patty, belonging to John Craig, of Philadelphia, consigned to him, and this vessel has one of the permissions, mentioned in a former letter. Morgan has agreed with the captain, that he, and I, shall avail ourselves of this permission, and shall ship a cargo in the vessel, and the Marquis de Casso Calvo, will give us the necessary certificates. We propose, that the cargo shall amount to 40,000 dollars, to be consigned to me; and a friend, whom I shall name another time, shall have one-third interest. We pay for vessel and permission, at the rate of two dollars per barrel, freight, for the quantity we ship, and I count on our gaining a cent per cent, on the amount of the adventure. We shall have 15,000 dollars insured here, and Price and you, when you hear further, from Morgan, and Chew, and Relf, can have the rest covered at home, for the voyage out. As for the returns back, I must trust to circumstances, to be able to advise you. We have on hand, almost all the goods we shall ship, and consequently, have little or no advances to make, which would interfere with any remittances, intended for you, and even in the event of a capture, the amount insured, will be a remittance to you: this is but a hint to you, for the present. To-morrow, when things are more mature, I shall write to you. I expect to sail on the 9th, in the Wm. Wright, as advised some time since. The Caroline dropt down the river a day or two ago. Your's affectionately,

(Signed) DANIEL CLARK.

In reply to the fifth query.—I never considered Mr. Clark, and General Wilkinson, as being friends, beyond mere appearances. Mr. Clark, always thought illy of the General, on account of his Spanish connexion; and never to me, (even in confidence) uttered an opinion in his favour. I know, that he was impressed, for a long time, with the idea, that Wilkinson had relinquished his pension from Spain; and finding him still patronised by the administration, (though it was acquainted with his former agency, in the old western conspiracy) he continued to maintain an intercourse with him, which both his own public situation, as consul for the United States, at New Orleans, and Wilkinson's, as military commander, in the south-western country, rendered necessary. A great change, to the General's further disadvantage, however, took place in Mr. Clark's opinion, from a variety of circumstances, among which may be noticed the following: 1st. The period, and manner, of Wilkinson's first communication to the President, accompanying his deposition, of the contents of Burr's cyphered letter to him. 2d. The proceedings, denunciations, and arrests in New Orleans, which Mr. Clark conceived to be outrageous and improper. 3d. His affidavit, before the grand jury at Richmond; who, on the simple facts, before them at the time, had nearly found a bill for treason, or misprision of treason, against Wilkinson, as a coadjutor of Burr; and Mr. Clark declared to me, on his arrival in this city, last October, that he considered the perfidy of Wilkinson, in his capacity as commander of the American army, as without a parallel, and was fully convinced of his being the author of the conspiracy, which he claimed the merit of frustrating. I am thus particular, as I have been so pointedly interrogated, as to the causes of Mr. Clark's alienation from the General, after an intimacy of many years, and I deeply regret the necessity of using terms and epithets, which alone are adequate to convey my knowledge of Mr. Clark's opinion of General Wilkinson. I will further state, that though Mr. Clark was convinced, at one time, that the General did not receive in 1804, the 10,000 dollars from the Spanish government, of which so much mention has been made; he, however, changed his opinion, on subsequent information, and was convinced, that Wilkinson did receive that money, in violation of his promise to him, to drop his Spanish connexions, though it did not appear charged on the Spanish treasury books, on account of its being part of a larger sum of secret service money, placed at the disposal of the military Governor of Louisiana, and not of the fiscal and accounting officer. Mr. Clark also believed, that the General, by way of screening himself, from the suspicion of being connected with Burr, and of increasing executive confidence in his fidelity, had denounced many innocent persons, (and his name among them) in a letter to the President, which has never been published. The foregoing circumstancs, furnished additional reasons, for the ultimate and entire estrangement of Mr. Clark, from General Wilkinson, and completed his disgust at, and abhorrence of his conduct.

In reply to the sixth query.—The first part having been already answered, I will merely add, that I am unacquainted with any offer of mercantile, or other aid, having been made by Mr. Clark, or myself, to advance General Wilkinson's interest; though, as to what Mr. Clark may have done, I cannot speak with certainty, beyond my own knowledge.

In reply to the seventh query.—I did visit Lancaster, last January, and for the express purpose of seeing Mr. A. Ellicott, and inducing him to attend the court of enquiry, as an evidence. which, however, he declined doing, unless the

bill, giving courts martial, the power to coerce the attendance of witnesses, was passed; in which case, he said, he should go to Washington, although he considered the court of enquiry, as incompetent to the proper investigation of General Wilkinson's conduct. My journey to Lancaster was my own free act, and without the knowledge or instigation of any person. It arose from a conversation I had, a few days previous, with Captain John Dunlap in this city, who informed me, that he had conversed with Mr. Ellicott, on his return through Lancaster, who corroborated Mr. Clark's statement, as laid before the house of representatives, and declared Wilkinson to be a pensioner of Spain.

On entering Mr. Ellicott's house, the evening of my arrival at Lancaster, I found him engaged in explaining to a number of gentlemen of the legislature, the affair of the old western conspiracy, and Wilkinson's participation therein, which Mr. Ellicott was elucidating, by references to his printed journal, when commissioner on the part of the United States, for running the southern boundary. He confirmed the correctness of Mr. Clark's statement, and mentioned his own agency, in detecting Wilkinson's connexions with the Spaniards, by means of intercepted letters, &c. the circumstances of which, he said, he had communicated in cypher to our government at the time; and the following is a memorandum I made, on returning to my lodgings, of some other important circumstances, mentioned to me, by Mr. Ellicott:—

"January 30th. Andrew Ellicott, informed me this evening, that in the month of June, 1801, (as well as I recollect) he communicated personally, to Mr. Jefferson, the exact sum of money, that had been sent by Don Thomas Portell, to General Wilkinson; that this money was not on account of any mercantile transactions, but of the pension allowed the General, by the Spanish government; that Wilkinson was not a man to be trusted, and if continued in employ, would one day or other, disgrace and involve the government in his schemes."

In reply to the eighth interrogatory—I declare, that under the authority of Mr. Clark, to receive, and open in his absence, all letters addressed to him, I have lately received, per mail, the one hereunto annexed, addressed to him, by Mr. Thomas Gemmil, dated Pinkneyville, 22d March, 1808, and which I conceive it to be my duty to lay before the court of enquiry.

Having a personal acquaintance with the Baron de Carondelet, Thomas Power, and the late Governor Gayoso, and Philip Nolan, and previously seen the documents, laid by Messrs. Randolph and Clark, on the table of the house of representatives, I do aver, and declare, from my own knowledge of the hand writing of those four persons, that the statement of Daniel Clark, in regard to the genuine writing, or signatures of them, is true and correct: I having examined them, with a view of proving the same, if ever called upon for that purpose. I also declare, that I have lately perused the official copy of a public despatch, in the Spanish language, from the Marquis de Casa Yrujo, to Don Pedro Cevallos, secretary for foreign affairs, in Spain, dated Philadelphia, December 18th, 1806, which communicates the entire conviction of the Marquis, that General Wilkinson, (well known and designated in the correspondence of state, under the name or appellation of No. 13) was united with Burr, in a plan, to sever the western country from the union, and that there was nothing to fear from their views, which were not directed against the Spanish possessions, but against their own country. I further declare, that on the arrival of Mr. Thomas Power, in this city, from Richmond, last October, I had many conversations

with him, and he appeared much incensed against General Wilkinson, for having (as he said) faithlessly published a certificate, which he had given him the preceding spring at New Orleans, at his particular request, under a solemn promise, that it was intended merely, for Mr. Jefferson's private inspection, to quiet his suspicions, and should never be made public. Mr. Power likewise related to me, an interview he had with General Wilkinson, on arriving at Richmond from New Orleans, as follows: After being conducted (I think by night) to the General's chamber, or the General to his, Wilkinson locked the door, and with emotions of agony and despair, raising his head and hands towards Heaven, exclaimed, What, Power, are you come here to do? and what evidence do you intend giving before the court? cannot you go out of the way? To which Power replied: I shall answer nothing, which can implicate my own government. If so, (said the General) I am safe; give me your hand, and do you promise this? Power answered, that was his intention.

I also declare, that I have obtained information, which I believe, may be fully relied on, that William Lewis, Esq. of this city, counsel for Colonel Burr, possesses facts, statements, and documents, which will prove, that there existed, between Burr and Wilkinson, an agreement and mutual understanding, in relation to the conquests, which they projected making in the west, and that they were to co-operate in the accomplishment of that object.

DANL. W. COXE.

Philadelphia, June 13th, 1808.

[Sworn to, on the 13th day of June, 1808, before Thomas Smith, Esq. one of the judges of the supreme court of Pennsylvania.]

Pinkneyville, 22d March, 1808.

Dear Sir.—From a short and imperfect acquaintance, I have taken the liberty of writing to you. I have been informed by a gentleman of undoubted veracity, attached to the United States army, now stationed at the camp near this place, that General Wilkinson has written to two officers of the army, to wit, Colonel Kingsbury and Captain Bowyer, both stationed at said camp, requesting each of them, to give testimony, relative to the interviews you had with General W. at Fort Adams, at the time mentioned in your communication to congress.

You may, perhaps, have heard, and know better the relative situation or standing, of those deponents with the General, than I, and what influence he may have with them. The first, I am credibly informed, has been promised a furlough; the second, flattered with a prospect of promotion to a majority. Each of them have received a letter from the General, holding forth fair promises in the commencement, and concluding with an earnest request, that they be punctual in sending on their depositions; the purport of which, is intended to invalidate that part of your testimony, which relates to your interview with the General at Fort Adams; and each of those gentlemen have been heard to say, that you were with the General but a few hours at that time.

The General has also requested, that those depositions be written by Major Stodard, who was immediately sent for, to the upper county of this territory, for that purpose. He has arrived, and they are now at work.

Having heard Captain Sterrett, of New Orleans, speak of your visit to the General, and knowing that his statement will correspond with yours, as to

time and duration of stay, I have written to him, requesting that his deposition might be taken in legal form, and forwarded to you as soon as possible.

Mr. Evans, of Fort Adams, I think, can testify the same.

There are several gentlemen of this neighbourhood, whose testimony would go in corroboration, who will not come forward voluntarily. Mr. Evans, I presume, will. If so, I will have his deposition taken, and enclose it to you.

The unusual anxiety and interest, the friends of General W. express on this occasion, although they endeavour to conduct the business as secretly as possible, have induced me to take the part I have.

Conscious that it can do you no injury, I shall feel happy, if I have had it in my power, to render you a service.

Your friend, and obedient servant,

THOS. GEMMIL.

Daniel Clark, Esq.

No. XXXV.

DEPOSITION OF ELISHA WINTERS.

I, the undersigned, certify and declare, that I was an inhabitant of Kentucky, in the years of 1788-89, and 90; that General Wilkinson, was then engaged in commerce, between Kentucky and New Orleans; that the General made a small shipment of tobacco, in the spring of 1791, not more than two boats, under the care of Captain Wilson, one of which sunk on the Ohio, and two or three hogsheads of tobacco landed on the bank; the other boat landed in New Orleans, a few days before I arrived in that part, and if there were any more arrivals, (the property of the General) it was unknown to me. I further state, that in the year 1791, I became a citizen of New Orleans, and that the General might have made a shipment to that part in 1792, but it was not probable, otherwise I should have had some knowledge of it. But this is improbable, because, in the year 1790, I was in New Orleans. The residence of Governor Miro, was then about two leagues from the city: a message came to me, that the Governor wished to see me, at his house, the next day. Accordingly, I waited on his excellency. He made strict enquiry concerning the General, and whether there were any tobacco coming or not, or whether the General was coming himself. I answered, that I knew nothing of the General's coming, nor of any tobacco on its way. He then said, that the General had treated him very ill, and if he could not have complied with his contract, he ought to have sent a man in a canoe, with information. He then repeated it again with great warmth, saying, I will not write him, but you must tell him from me, that he has behaved very improper, and my disappointment is very great. This was expressed with much passion.

Governor Miro, took his departure from New Orleans, in the year of 1792. To my knowledge, there was no tobacco received for the King's use, after the arrival of the Baron Carondelet. A proclamation was issued, before the departure of Governor Miro, that no more tobacco would be received in the King's stores, for his majesty's use.

I, the undersigned, further state, that about the year 1796, I was on a visit at New Madrid, and at the house of the commandant, heard him make some observations, which I could not understand, and applied to the interpreter for an explanation; he answered, that the commandant had in his chamber, a Spanish lady, going to General Wilkinson. This raised my curiosity. I made further enquiry, and found it to be a chest of Spanish dollars (as much as four or five men could handle) from the Spanish government, to General Wilkinson. This I thought strange, indeed. On being fully satisfied, in a very short time after, I took my departure for the falls of Ohio. After having been about four or five days on my voyage, I met a certain Mr. Power, (an old acquaintance) descending the Ohio, who informed me, that he was from head quarters, on his way to New Madrid, for a cargo of groceries. This convinced me, that what I had learned at New Madrid, was true, and that he was on his way to gallant the Spanish lady to head quarters. I then determined to make all possible despatch to the falls, in order to give information of the approach of so valuable a creature. Accordingly, on my arrival at the falls, I immediately gave information to General Wayne, that I had discovered at New Madrid, a royal chest, on its way to the army of the United States, and that this chest, together with the despatches that accompanied it, would be important, and that if he would send to me in Lexington, a confidential person, I would communicate to him the particulars. Accordingly, in a very short time, I was visited by a Major Swann, to whom I communicated the whole affair, and assured the Major, that if immediate and proper steps were taken, to meet Mr. Power, on the Ohio, an important discovery would be made. The Major immediately returned; and, as I have been informed, a certain Lieutenant Steel, was despatched on this business, and met the aforesaid Power, on the Ohio, but did not search his boat, and permitted him to proceed on his voyage. I afterwards saw my letter of information to General Wayne, in the war office, in the city of Philadelphia, in the hands of Mr. M'Henry, then secretary at war.

The deponent further states, that he was led to make particular enquiry of the Spanish interpreter at New Madrid, as aforesaid, from the circumstance of seeing a *post*, which appeared rough and newly made, apparently supporting the upper floor of the room, in which the commandant then was.

ELISHA WINTERS.

[Sworn to, the 16th April, 1810, before Daniel Rapine, justice of the peace, for Washington County, D. C.]

No. XXXVI.

COL. BALLINGER'S TESTIMONY.

[Applied for to Office, but not procured.]

No. XXXVII.

LETTER FROM EVAN JONES TO DANIEL CLARK.

New Orleans, 16th Feb. 1809.

Sir.—In answer to your letter of yesterday, I have to say, that I remember General Wilkinson's having stopt at my plantation, in the fall of 1809, (as I think) when he was on his way to Kentucky, accompanied by Philip Nolan. As I live on the west side of the Mississippi, and the General went up on the east, he stopt at some plantation nearly opposite to mine, and came over, and spent a day or two, with me.

In the course of our conversation, he told me, he had left a sum of money, under the care of Nolan, who he spoke of as a man of strength; saying, he could take two thousand dollars, with one hand, from off a mule or horse, and carry them with the utmost ease, into a house. I do not remember, whether the General mentioned to me the amount he was taking up with him; but, to the best of my remembrance, he said, he had two mules, or horses, for the purpose of carrying his money. This is all I can recollect of the transaction.

I am Sir, your most obedient servant,

(Signed) EVAN JONES.

Dan'l. Clark, Esq.

No. XXXVIII.

GENERAL WILKINSON'S APPEAL TO PRESIDENT ADAMS.

Head Quarters, Pittsburgh, December 26th, 1797.

Sir.

To justify to our country, and to the world, your protection of me, at a moment, when numerous and powerful enemies, were combined to destroy me, by implications which dare not meet the light, I profess, before God and man, is among the leading motives of all my actions.

The death of General Wayne, silenced an investigation, which I had much at heart, because, it would have unfolded scenes and circumstances, illustrative of my utility, my integrity, and my wrongs, which can now never reach the public eye.—So soon as his death was announced in Philadelphia, I waited on the secretary of war, and held with him a conversation, precisely to the following effect:—"Prosecution is in the grave with General Wayne, but the door is still open to investigation; and I most earnestly wish an enquiry into my conduct, military and political.—Indeed, the vindication of my own aspersed reputation, more than any desire to injure General Wayne, has directed the obstinate perseverance, with which I have pursued this subject.—I know, that whispers and inuendoes, are circulated, in secret, to wound my character—I know, that a sinister connexion with Spain, is slanderously imputed to me—I know, that jacobinism, French attachments, and an indisposition to the government of my country, are basely ascribed to me—but, conscious of innocence, I court enquiry, to obtain an opportunity of vindication, which I have amply in my power."

To this, Mr. M'Henry, after declaring, that he did not know such things were said or insinuated, but, that if they were, I must be sensible, from the President's conduct to me, that they had made no impression on his breast, replied in the following words:—"*I advise you, as a friend, to give yourself no more trouble about it.*"—This conversation took place, several weeks before the expiration of the session of congress, and I followed the advice given to me, in the hope, that the prejudices, and animosities of my enemies, might subside.

But, I have been deceived; and, while all my faculties have been on the stretch, to promote the interests of the nation, and the honour of the government, I find, my enemies have not slumbered, and that calumnies are still circulated, to wound my fame, and impair the public confidence.

Under such circumstances, I know not where to make an appeal, with so much propriety, as to your breast; because, I implicitly confide in your justice, to determine my merits, by my works, and not by the words of those, who seek my destruction; and because, to you, I owe the preservation of a spotless character, and am particularly responsible for my conduct.

The following circumstances, have occasioned this trespass on your time, and may, I hope, justify the intrusion.

A man, by name Hamilton, from the lower country, anticipated me at this place, several weeks, and it was presently rumoured about the town, that he had secret business with me, and waited my arrival. So soon as the report reached the ears of the commanding officer, Captain Turner, and the Quarter Master General, Mr. Wilkins, they called on Mr. Hamilton, and taxed him with the slander. He avowed his innocence, and declared, that he had no knowledge of, or business with me. The report was then traced to a Mr. Postlethwaite, a tavern keeper of the town, and he gave for author, some one of his household, who had it from a third person; but, it could not be fixed, that Hamilton had made the declaration.

That a man should be at this place, with business for me, public or private, might occur, without producing any remarkable effect—but, when such man is known to be a professed Spanish agent, (the very same whom I had recommended to Col. Sargent, at Cincinnati, last May or June, as a proper subject, for the attention of the civil magistrate, as will fully appear, from the copy of my letter to the Colonel, which was transmitted to the war office) jealousies are excited, speculations produced, and conclusions formed, highly injurious to me; when, in fact, I never have held, nor ever shall hold communication with him, unless I may be authorised to put him in confinement, which, if consistent, I would recommend, and that he should be removed to some other place.

I intreat your pardon, Sir, while I claim your attention to a circumstance of similar import, but more serious aspect.

In consequence of the information No. 1. I wrote the letter No. 2. and received for answer No. 3. and this last produced No. 4 and 5. The misrepresentations of Captain Lewis, notwithstanding the affected guise of candour and respect, which he gave his communication, to my Major of Brigade, Lovell, is apparent, from the positive information of Major Freeman, and Lieutenant Lovell. This officer, attached to the family of General Wayne, in the relation of extra aid-de-camp, mingled in his prejudices, and co-operated in his labours against me; and this circumstance has long protected him, against the sentence of a general court martial, for abuse of my character, and contempt of my authority. I have considered it my duty, to intrude those particulars upon

you, with the solemn assurance, that I shall omit no industry, to find out the reputed author of this vile calumny; and, if he has been guilty of the fact, to bring him to justice.

Believe me, Sir, it is the invisibility of my enemies only, which I fear; for while I dare the open assault, I dread the secret stab.—Defended by the invincible armour of integrity, I shall, exultingly, meet the combined force of my foes in fair conflict; yet, with all my habits of vigilance, it may be impossible for me to guard against their wiles and stratagems.—To you then, Sir, permit me to look up for protection, against the shafts and arrows, which may be levelled against the honour of an absent, injured, innocent man. Extend to me but the patronage, which the retrospect of my recorded services may warrant, and my future conduct justify; and I ask no more, under heaven, to justify your confidence, and to fulfil every reasonable expectation.

I beg leave, in this place, to remark on a circumstance, which appears in a letter of the Spanish minister, to the secretary of state.—It is there stated, that I had not received orders, to oppose the violation of our territory, by the British, on the quarter of Canada. This, as far as relates to the instructions, which I received from the secretary of war, is true, yet it is, in fact, unfounded; for Sir, you will be pleased to recollect, that in a conversation which I had with you, on the subject of the Chevalier's alarms, I asked you, expressly, "*If the British should attempt to pass through our territory, whether I should oppose them?*" and you replied to me, "*Undoubtedly.*" A circumstance so trivial at the time, may have escaped your recollection, but I am ready to bear testimony to the fact; and it may be proper for me to assure you, at the same time, that I am ready to make oath, no eye ever beheld the instructions of the secretary, except the gentlemen attached to my person: and I even doubt, whether they ever saw them; and I can aver, with equal solemnity, that the contents of those instructions, were never communicated by me, to any person.

I fear I fatigue you, yet I must call your recollection to another circumstance. You may remember, I shewed you a lump of virgin copper, before I left Philadelphia, and asked your permission to search for the mine, which you granted. I have now the pleasure to inform you, that I have succeeded in that pursuit, and if I may credit my informants, have discovered a country of mines. I had ordered two hundred pounds of the copper to be brought away, but the metal was too hard for my tools, and a few small pieces only, could be cut from the massy body. A sample will be delivered to you, with this letter, inclosed in a tin case.

Before I left Philadelphia, I requested the secretary of war, to mention to you my son, who bears my name, as a candidate for a commission in the army. Suffer me, Sir, now to recommend him to your patronage. It is my view to make him a scientific soldier, and to give him, if possible, every advantage of education and experience—he is sixteen years of age, and is well grown and well educated for his years. If your goodness may incline you to favour me, I should prefer the corps of artillerists, for my son's novitiate, as the most scientific branch.

With the highest veneration for your character, and the most respectful attachment to your person,

I am Sir,

Your obliged, and faithful soldier and servant,

JAMES WILKINSON.

The President.

No. XXXIX.

LETTER FROM THOMAS POWER, TO GENERAL WILKINSON.

Cincinnati, November 10, 1795.

'Sir.—To intrude on the importance of your time, might, on any other occasion, be deemed impertinence in me; but on the present, to be silent, would evince a degree of stupidity, which nature has refused me, or argue a torpor of feeling, to which I am, unfortunately, a stranger. Without any farther apologetic preamble, permit me to inform you, sir, that the torvous aspect, and austerity of manner, that accompanied the reception I met with yesterday, under your roof, did not, *could not* escape my observation; and it is evident to me, it was intended by you, that it *should not*. I will be candid enough to confess, that it has sunk deep in my mind; and, my innocence makes bold enough to assert, that it is a humiliation, which no part of my conduct, ought to have drawn upon me, and which I little expected from General Wilkinson.

'To lose the good opinion of any gentleman, must, at all times, be mortifying to a person not devoid of sensibility; but to lose the esteem and regard of one, whose esteem and regard confer honour and dignity, is painful in the highest degree. From the first moment, that chance introduced me to your acquaintance, your deportment towards me, has invariably been polite and kind; nay, I will say, affectionate and friendly; (and believe me, sir, I shall ever retain a most grateful remembrance of it) yesterday, for the first time, it suddenly ceased to be, both one and the other.

The reservedness, not to say the contempt, with which you then treated me, I felt, and still feel bitterly. Knowing you to be possessed of too much liberality of sentiment, to alter your behaviour to me, in so abrupt and incondite a manner, without being impelled to it by some powerful motive, either real and substantial, or imaginary and groundless; I have cast a retrospective view on my past conduct, and notwithstanding the most impartial and severe investigation, I have not been able to detect myself, in one single solitary instance, in a departure from the path of honour and propriety. But, as this would not be the first time, that I have been the victim to calumny, whose busy tongue is incessantly in vibration, I am naturally led to seek for the source of this novelty in your carriage and inconstancy in your sentiments, in the base aspersions of some contemptible and paltry villain, who has been sporting with my character, stabbing me in the dark, and robbing me of your esteem. I repeat it, sir, the strictest adherence to the rules of honour and delicacy, has ever marked my conduct, through the variegated and miscellaneous scenes of life in which I have moved, and I challenge, I defy the universe, to prove my assertion false.

I must, therefore, in obedience to the imperious commands of honour, request you will indulge me, so far as to acquaint me with the motives, that have induced you to withdraw from me, that appearance of esteem and regard, with which you formerly honoured me, and thus generously give me a fair opportunity of justifying myself, and convincing you, that I have never deservedly forfeited my title to your friendship; and that the person, on whom you ought to bestow your contempt and execration, is the vile wretch, who has dared, with

such egregious impudence, to blacken my character. In anxious expectation of your answer, I have the honour to remain, with consideration, and undiminished esteem,

Sir,

Your most obedient and humble servant,

THOMAS POWER.

General James Wilkinson.

No. XL.

ANSWER OF GENERAL WILKINSON TO THOMAS POWER.

Fort Washington, 11th Nov. 1795.

Sir.—I yesterday acknowledged the receipt of your letter of the day. I was at that time, engaged, but having finished the business which employed me, I will now answer it. I beg leave, however, to premise, that it is with much reluctance, I present to you the explanation you have requested; nor would I do so, but to justify the consistency of my own conduct, to a gentleman, a stranger, who has impressed me favourably, and for whose information and accomplishments, I had formed a high respect. Far be it from me, to insinuate wantonly, or to condemn upon surmise, much less maliciously, to stab the repose of innocence. I repeat, therefore, that it is with great reluctance, I inform you, that since your late visit to this place, at which time you received the civilities of my house, the commanding officer of the American legion, has declared publicly, at his table, that you were a "*spy for the British, a spy for the Spanish and a spy for some body else.*" Your experience must inform you, that imputations like these, from such high authority, however founded, render you an improper companion for a public officer, who, whatever may be his own opinions, owes respect to those of his superiors. The change of my deportment towards you, is imputable to this cause, which may, I trust, suffice to rescue my conduct, from any charge of impropriety.

I am, sir, with due consideration,

Your most obedient, &c.

JAS. WILKINSON.

Mr. Thomas Power.

No. XLI.

MR. THOMAS POWER TO GENERAL WILKINSON.

Cincinnati, November 12th, 1795.

Sir—Your favour, bearing date 11th inst. with which I have been honoured, has relieved my mind, from the load of anxiety and perturbation, with which it has been oppressed and tortured, ever since my last visit to you. Though conscious of the rectitude of my intentions, and emulous to convince you, on all occasions, that the esteem you had honoured me with, was not placed on a per-

son, wholly undeserving of it, nevertheless, I was apprehensive, that I might have been betrayed by inadvertency, into some action or expression, offensive to you, and militating against the good opinion, I was solicitous you should entertain of me. But all my apprehensions on that score, have now vanished; and my uneasiness is removed by the detail you have been so good as to lay before me, in your last letter.

So far from charging you, in my first address, with inconsistency of conduct, as you seem to insinuate, you will find, if you give yourself the trouble of perusing it a second time, that the strongest conviction was impressed on my mind, of your being "impelled" to such a change of conduct towards me, by "some powerful motive, either real and substantial, or imaginary and groundless," and that it must have been the work of some "contemptible paltry villain." I wish to be understood. I mean not to apply the epithets, "contemptible paltry villain" to Mr. A. Wayne, (although the event has justified my surmise) but to such as have availed themselves of his weakness, and imposed upon his credulity. However, I conceive, that if said gentleman had not been as slenderly furnished with sentiments of delicacy and liberality, as he is with common sense, he would have refrained from taking such freedoms with the character of a gentleman, from whom he has never received any injury. It is a fact, well known from Canada to Chili, that nature has bestowed her intellectual gifts on his excellency, with a niggardly parsimonious hand; and, not to deviate from her general laws, she has infused into his narrow soul, sentiments adapted to the obtuseness of his mental powers. She has provided him with a "malignity disabled (fortunately for the human species) by folly, and a cruelty restrained by impotence."

It being unnecessary to point out to you, the impropriety and absurdity of the expressions made use of by Mr. A. Wayne, I shall forbear commenting largely, on the term *spy*. If, by it, he intended to convey the idea that is commonly annexed to that word, (which is a person employed by one nation to watch the motions, and detect the schemes of a rival and hostile nation) it confirms me in the conception, which such letters of his, as have appeared in the public prints, have helped me to form of the gentleman: and I am now satisfied in my own mind, that this modern Cæsar, if not *inferior to the Roman Cæsar in military skill*, possesses not, in the smallest degree, those brilliant literary talents, and that urbanity, for which the latter was so eminently distinguished. But to return. As neither Britain, nor Spain, are at war with the United States, no body, but an ignorant blockhead, would have expressed himself, as his excellency has done. My being a *spy for somebody else*, as he has so sagaciously added, is a mystery, I cannot develope; the charge is so vague, so indefinite, that it eludes the grasp of conjecture, and baffles my penetration. But this I will say, that it is equally ungenerous, illiberal, wanton, cruel, groundless, false, stupid, base and contemptible, with the former part of his assertion.

As other concerns, of infinitely more importance to me, than a discussion with such a *fellow*, command me indispensibly, to leave this place to-morrow, I shall defer writing to him, and demanding an explanation, until my return to this quarter, which I expect, will be soon; for, as I cannot, at present, wait for an answer from him, he would undoubtedly, construe my departure into a flight, from the contest that I had provoked, and exultingly publish, that I had shrunk from the discussion. On my return, I shall endeavour to have this matter cleared up; not from any importance, that I think attached to Wayne's opi-

nions, or that I set any value upon them; (for, I shall always thank him for his censure and disapprobation; or at least, will request him to spare me the mortification of his smiles and approbation, from the conviction, that to merit his applause, is to bid fair for the contempt of every man of understanding and liberality) but because, such a report, may, eventually, be injurious to me, in case of a rupture between Great Britain or Spain, and the United States; an event, which I hope, is far distant. Before I close this, permit me to indulge a reflection, that obtrudes itself on my attention, too forcibly to be diverted. To an intelligent and reflecting mind, how mortifying and humiliating it must be, on taking a philosophical survey of society, to behold in the front ranks, and in the most conspicuous, honourable, and important stations in life, wretched bodies without a soul, whose sluggish intellects and contracted views, reduce them, in the scale of beings, nearly to the level of the most torpid of the brute creation. To contemplate these creatures, decorated with all the insignia of power, parading with all the pomp and ostentation of silly pride, exacting the tribute of homage and submission from men, possessing fifty times their understanding, and adorned with virtues, of which they have not even the shadow; I say, to contemplate such creatures, domineering and lording it over the whole creation, is a sight that makes me sick at heart, and forces me to avert my eyes with indignation, and blush to think, that I belong to the same species. Frequently have I lamented, that the human mind does not expand, in proportion to the elevation and importance of the station, in which a man is placed, or to which he is promoted. High rank, honours, exalted posts, dignified offices, confer not any mental prerogative. When we commence legislators or generals, we do not cease to be knaves and fools, if we were so before. The blockhead, whether basking in the sunshine of fortune, on the summits of human grandeur, or freezing in the gelid vale of obscurity, will ever be an object of scorn, and derision, for the philosopher. I will take my leave of General Wayne, by assuring him, that he need be under no kind of apprehension of being taken for a *spy* in any part of the world, to which his destiny may lead him. No, the eye of suspicion, will never be fixed upon him. Forgive me, sir, for having taken up so much of your time; you will find an apology for my prolixity, in your own delicacy and sensibility.

I remain, Sir,
With due consideration and esteem,
Your most humble servant,
THOMAS POWER.

Brigadier-general J. Wilkinson.

No. XLII.

GENERAL WILKINSON TO THOMAS POWER.

Head Quarters, Greenville, May 25, 1796.

Sir.—I the day before yesterday, had the honour to receive a letter from you, under date of the 20th inst. in which you request leave to visit this place, and to proceed by St. Vincennes, and the Illinois, to New Madrid.

Permit me, sir, to observe, that this precaution was unnecessary, at a time, when the United States of America, are happily at peace with all the world. In this enviable situation, the officers of the American army, have no concealments to make, and therefore, our camps and our posts, are free to the ingress and egress of all persons, who deport themselves with propriety.

I beg you, sir, to believe, that upon an unpleasant occasion, to which you are pleased to refer, my conduct was directed more by the delicacy of my own situation, than any sense of your demerits: neither my sympathies, nor my antipathies, have ever gained such an ascendant over my reason, as to incline me to condemn on hearsay, or to adopt the prejudices of any man.

I thank you, sir, for the trouble you have given yourself, in bringing forward the segars committed to your charge, by my very worthy friends, Governor Gayoso and Don Andres; and have the honour to be, with due consideration, &c.

JA. WILKINSON.

Mr. Thomas Power.

No. XLIII.

LETTER FROM THOMAS POWER TO GENERAL WILKINSON.

Cincinnati, May 20, 1796.

Sir.—Yesterday I arrived at this place, from New Orleans, by way of Philadelphia. I left Louisiana, the 15th March.

Accident, and the nature of the business that called me to that province, threw me into a circle of acquaintances, amongst whom, there were several persons, who professed the sincerest attachment and regard for you, and who, with the most tender and friendly inquisitiveness, made numberless inquiries concerning you, particularly Governor Gayoso and Don Andres; from each of whom, I received a box of Havanna segars, with the most earnest request, that I would have them conveyed to you. I have succeeded in bringing them safe, as far as this, and now desire you will instruct me how you wish to have them disposed of.

When I left New Orleans, I had it in contemplation, to proceed from this place to New Madrid, by way of Greenville, Post Vincennes, and Illinois, but reflection has brought me to a pause. The illiberality and malignity, with which General A. Wayne, invaded my reputation, when I was here last, have taught me to act with circumspection and wariness, even when circumspection and wariness, appear to be superfluous: and, as the example of great men, is generally contagious, I am not without apprehensions, that the jealousy, with which that really great man, viewed my short residence in this country, may have spread its taint over the minds of the many, that bend the knee before this idol. But to wave figures, I fear that, were I to undertake such an excursion, it might, perhaps, give umbrage to some weak people, who, having no opinion of their own, resign their right of judging, into the hands of some creature, equally weak, and silly with themselves, but who, exalted on a mole hill, ridiculously conspicuous, is looked up to with admiration and awe. However,

sir, as the ardour of my curiosity, cannot be repressed by common difficulties, I still purpose visiting Greenville, at least; provided my design does not meet with your disapprobation, and that I can procure a horse. I shall wait for an answer from you, with anxious impatience; but not without the hope that, notwithstanding you did once, in deference to the opinion of your *ci-devant* general, start from the line of conduct towards me, which, till then, you had pursued, you will now estimate *that opinion* at its real and intrinsic worth.

Please to present my respects, to Mrs. Wilkinson.

I have the honour to remain,
With due consideration, Sir,
Your obedient humble servant,
THOMAS POWER.

Brigadier-general James Wilkinson.

Cincinnati, May 25, 1796.

Sir.—I had the honour of addressing you on the 20th instant, requesting you would direct me, in what manner I was to dispose of two boxes of Havanna segars, I had received for you, from Messrs. Gayoso and Don Andres. I have now to inform you, that I delivered them to Captain Shaumburgh, who forwarded them to Greenville, the same day.

I also acquainted you in said letter, with my intention of visiting Greenville, if my design did not meet with your disapprobation; and that the motive of my not attempting it, without your *positive approbation*, was the atrocious calumny, by which General Wayne, attempted to injure my character, when I was here last; a calumny, which I repeat, sir, could originate only, in the basest malignity, and which no man, that was not entirely divested of the ordinary instinctive sense of shame, would have dared to assert, with such blushless effrontery. The same motive still continues its operation, and detains me at this place. Your silence on the occasion, makes me apprehensive, that my letter has not reached you: this, I hope, will, and doubt not, you will favour me with a speedy answer.

I have the honour to be,
With due consideration, Sir,
Your most obedient humble servant,
THOMAS POWER.

General James Wilkinson.

Cincinnati, May 26th, 1796.

Sir—This is the third time, I have had the honour of writing to you, since my last arrival at this place. Mr. Swan, who was bearer of my first letter, has returned, and you have not thought proper to honour me with a line.

Being thoroughly convinced, that you are not one of those, who think their disregard and forgetfulness of others, excused and justified by their carelessness and inattention to themselves, I am really at a loss, what construction to put upon your silence. Am I to interpret it into dissent, or assent, to my proposal? One word from you, sir, would have spared me the trouble of racking my mind on the subject.

I am free to acknowledge, that to leave this country, without obtaining some knowledge of its topography, soil, improvements, population, &c which an excursion to Greenville, would have enabled me to do, in some degree, is to me a very painful disappointment:—but to have experienced that, the malicious, slanderous, and groundless report, disseminated by General Wayne, has made an impression on *your* mind, (which *your* knowledge of the principles and character of its author, ought to have guarded you against) has forced upon mine many humiliating and bitter reflections. If, what I have said, on a former occasion, has not sufficed, to wipe off the aspersion, and vindicate my character, it will be altogether superfluous, to enter into any expostulation on the subject, at present.

I shall, therefore, take my leave of you, sincerely lamenting, that such is the depravity of human nature, that even the ægis of integrity, honour and candour, is of no avail, against the envenomed shafts of malevolence, envy, and treachery; and such its weakness, that the liberal and worthy, the unprejudiced and enlightened, are not proof against the contaminating and baleful influence, of the pestiferous breath of the vile and the worthless, the slanderous and the senseless.

I entreat you will pardon my repeated importunities, and the encroachments, I have taken the liberty to make on your time.

I have the honour to continue,
With due consideration, Sir,
Your most humble servant,
THOMAS POWER.

General James Wilkinson.

P. S. Am I to acquaint Governor Gayoso, and Don Andres, that you have received the two boxes of segars?

No. XLIV.

GENERAL WILKINSON TO THOMAS POWER.

(With Instructions respecting Newman.)

Greenville, June 8th, 1796.

Sir.—Being deeply interested, in the accomplishment of an interview, with a man by the name of Robert Newman, who left Louisville, last November, and descended the Ohio to the Mississippi, and from thence to New Madrid, where you informed me you saw him, I am encouraged, by the conversation held with you, to hope for your good offices, on this occasion, for which I shall be willing to add four hundred to one hundred dollars, which I now give you in hand, or any further sum, which may be found necessary, not to exceed one thousand dollars, provided you cause the said Newman, to return to the state of Kentucky; and there to abide, for the space of one month, after I may receive intelligence of the fact; or, if this cannot be accomplished, provided you cause him to be delivered into the custody of the officer commanding the post of Massac.

Should circumstances occur, to prevent the practicability of either object, then I shall be happy to procure the formal deposition of the said Newman, taken upon the various points, stated in the memorandum, which you have enclosed, and which may be employed by way of interrogatory; for this service, when performed, I will cheerfully pay all expenses, and make you such allowance in reason, as you may think proper to demand.

With much consideration and respect,

I am, Sir,

Your most obedient servant,

JAMES WILKINSON.

Mr. Thomas Power.

Memorandum enclosed in the foregoing.

Newman deserted from the army, four or five days after it marched in July, 1794; some persons suspected, he had been sent off purposely. He went to Detroit, and from thence to Philadelphia, where he pretended, he had been captured by a party of Indians. On his return for Kentucky, he was seized at Pittsburgh, and sent in irons, to General Wayne; here he was confined until August following, when he was released without trial or punishment. He went from hence to Louisville, at which place he was visited in November, by Captain T. Lewis, an aid-de-camp of General Wayne, and soon after, he descended the river. 'Tis supposed, that he effected his pardon, by accusing several persons, obnoxious to General Wayne, of being accessory to his desertion, and that he was prompted to this act of infamy. To ascertain the real state of the case, the following queries, may be put to him:

1st. For what reason did he come to Greenville, in the year 1794; did he bring letters, or had he any instructions; if so, their contents; from whom did he receive them, and to whom were they addressed?

2d. The cause of his entering into Col. O'Hara's employ, and by whom recommended, or did he before know the Colonel; for what purpose was he engaged, and did he enter upon the business, for which he was engaged; if he did not, what prevented?

3d. The reason of his desertion, and by whose privity, advice and consent; what instructions did he receive; did he carry letters, or papers with him; from whom, and to whom; his reception and conduct, at Detroit, and at the foot of the rapids?

4th. His reception and treatment, on his return to Greenville; was it several times altered, and for what reason; how was he supported, and by whom?

5th. Was it suggested to him, that he should accuse some person, to accomplish his liberation; at what time, by whom, and in what terms?

6th. Did he adopt the idea offered to him, and did a secret correspondence ensue, between himself and Major General Wayne; what was the purport of it, and what the result? Copies of this correspondence, if possible.

7th. When was he liberated, and in what manner; was he furnished clothing, a public horse, and cash, and to what amount of the last article; from whom did he receive either, and on what account, real or pretended?

8th. His conversations with General Wayne, Col. O'Hara, Dr. Jones, Captain De Butt, and Captain T. Lewis, what were they; was he prompted to implicate, and accuse innocent men, as the price of his life, and did he adopt the plan from this necessity?

9th. When discharged, was it under any particular condition of silence, or as to the place of his residence?

10th. Why did he continue so long in the vicinity of Louisville; what was the motive of Captain T. Lewis's visit there, at Obadiah Newman's; did he receive money from him (Captain Lewis), by whose order, for whose account, to what amount, and for what purpose; the particular communications between him, and the Captain, at that time; what was the cause of his going to New Orleans, or descending the river, and by whose request, or order?

11th. The manner in which his communications, were made to Gen. Wayne, were they in writing, or verbally; were they on oath, or otherwise; did the General alter or amend them, or question him upon them; and did he exact the oath, if any was given?

Power's accountable Receipt.

Received from Brigadier-general James Wilkinson, the sum of one hundred dollars, for services to be performed by me, respecting a certain Robert Newman, supposed to be in the province of Louisiana.

THOMAS POWER.

Greenville, June 8, 1796.

No. XLV.

MR. POWER'S NARRATIVE AND DEPOSITION,

Respecting his mission, in 1795.

In the year 1795, Governor Gayoso, ascended the Mississippi, commanding the King's galleys and troops, destined to erect, and garrison the fort of San Fernando de las Barancas, (Chickasaw Bluffs) where he remained, I believe, about two months, or perhaps longer; and, after having, by his presence, given spirit and activity to the works, proceeded to New Madrid. Immediately on his arrival, which was in the beginning of September, 1795, he informed Captain Dn. Thomas Portell, the commandant, that he had despatches of the greatest importance, to forward to Kentucky, and desired him to procure a person, on whom he could depend, to take charge of them. Portell, spoke to me on the subject. As travelling was then my ruling passion, I proposed, without hesitation, to undertake the journey. It may not be improper, here to observe, that I had already been sent by said Portell, to Kentucky, on two occasions; the first, at the beginning of 1794, to keep an eye on the movements, and progress, of what is generally known by the name of Genet's expedition, against Louisiana, headed by Clark, and La Chaise; and the second, to accompany the Spaniards, that had murdered Mr. Henry Owen, the bearer of General Wilkinson's 6000 dollars, concerning which, I have given my affidavit, under this date. As I had acquitted myself of my commissions, much to his satisfaction, he had recommended me strongly to the Governor.

Without loss of time, a pirogue, hands, and provisions, were got ready; and I set off from New Madrid, on the 6th of Sept. and reached the Red Banks on

the sixth day. Here I was detained by a bilious fever, until the 24th, on which day I set off by land, and arrived at Cincinnati, on the 3d of October, having delayed one day at Lexington. The day after my arrival, I delivered my despatches to General Wilkinson, agreeably to my orders. When I left New Madrid, I was only half in the secret of the object of my mission: but, the General disclosed the whole plot to me, which was a separation of the Western from the Eastern States, such as appears in judge Sebastian's trial. After some day's stay at Cincinnati, I proceeded up the Ohio, as far as Galliopolis, in obedience to General Wilkinson's orders, which I had been instructed by Gayoso, implicitly to follow. I returned to Cincinnati, on the 8th of November, and left that place on the 14th, with Wilkinson's answers, having occasionally dined with the General, and having had several nocturnal conferences with him in fort Washington.

In his letter in cypher to Gayoso, September 22, 1796, he refers him to what I should verbally communicate to him, which was as follows: That I must immediately return to Red Banks, where I should meet the following gentlemen, or at least two of them, viz: Messieurs Benjamin Sebastian, Henry Innes, John Murray, and George Nicholas, whom I was to convey to the mouth of the Ohio, there to have an interview with Gayoso. I have already mentioned, that the plan of separation, was such as appears in Sebastian's trial: on which subject, Wilkinson directed me to lay the following observations, before Carondelet and Gayoso. However, before I proceed any farther, it will not be improper to state, that Wilkinson received a letter, some time after, from Gayoso, expressive of much discontent and reproach, for having imprudently communicated to me, the whole extent of their plots. This I had from Wilkinson himself. Here follow the observations. In this, I am confident, that I am perfectly correct, as I committed them to paper at the time, and which I will literally copy. "The various channels through which the Western country is to receive foreign commodities. Which the most advantageous? 1st. By the river St. Lawrence, and the lakes. 2d. By New York, Hudson's or North river, Mohawk river, and by Oswego, into the lake. 3d. By Baltimore, up the Susquehannah, a portage to * * * * *, that empties into the Alleghany, down into the Ohio. 4th. By * * * * *, up the Potomac; portage to Cheete river, into the Monongahela, and down the Ohio. 5th. By New Orleans and the Mississippi, &c. &c. &c. An intelligent person ought to be sent to these different places, and obtain every possible information on the spot, concerning the difficulty or facility, attending their navigation, &c. and by comparing them, see which merits the preference. It might, perhaps, also be the means of artificially giving the advantage to the Mississippi, in case it does not possess it naturally. The free navigation of the Mississippi, injurious to the future population of Louisiana; because, numbers who would have migrated to it, for the sake of enjoying the privileges of Spanish subjects, and from which foreigners were excluded, would now possess those advantages, without moving to it.

"To ascend the Ohio with a cargo, the profits on which, must be a perquisite, for the person entrusted with it. By these means, the following advantages will be obtained: The money, that it may be judged proper, to introduce into the country, will be kept out of sight, even of the crew, and the real object of the expedition, kept secret. It may draw the confidence of the people, and point out the channel, through which they must receive foreign commodities. The cargo ought to consist of gunpowder, sugar, coffee, brandy, wine,

segars, &c. The mouth of the Ohio, must be formidably fortified, and works erected, of sufficient strength to arrest the progress of an army, during a whole campaign, and thus gain one year. Kentuckians must be employed in raising these fortifications. This will help to do away, all national distinctions and prejudices, and to conciliate and fraternise the two nations. The cannons wanted, may be cast in Kentucky. A bank must be established in Kentucky, with a capital of one million of dollars. The directors to be chosen, among the most distinguished and leading characters, in the country. We shall thus secure a majority in the councils, and assemblies of state. The fort of San. Fernando, must not, upon any consideration, be given up; for this would lessen the power and importance of Spain, and the Americans would immediately take possession of it. As the seeds of an approaching rupture, are already cast, it is proper, that all the necessary preparations, should be made in the province, by building forts on the frontiers, increasing the number of Spanish agents in Kentucky, and depositing funds in the country, to be enabled to face contingencies. General Clark, and his adherents, who are in the pay of the French Republic, must be bought into the service of Spain. The French may, hereafter, be prevailed upon, to take produce of Kentucky, and the Western country, for the use of their colonies. It is absolutely necessary, that military magazines, shonld be formed at New Madrid, well provided with arms, ammunition, and other military stores. A watchful eye must be kept upon Daniel Clark, sen. and his nephew, Daniel Clark, Minor, Beauregard, Du Forêt, Morales, and their friends. They must never be trusted in any thing, that relates to Wilkinson and ————————.

" Pounds of sugar, mean hard dollars; Campbell, Carondelet; M'Cullough, Gayoso; Marietta, New Orleans; Post Vincennes, Philadelphia; Store, Fortification; Monongahela, Mouth of the Ohio; Words, War; Silence, Peace; Cash, Spain; Corn, France; Pork, England; Whiskey, United States; Pounds of Coffee, Arms; Segars, Men; Bread, Ammunition."

Immediately on my return to New Madrid, a large pirogue was purchased, and every thing provided, that could contribute to the accommodation of the gentlemen; and I again set off for Red Banks, towards the beginning of December. On my arrival at that place, I there found Mr. B. Sebastian, who had taken passage in a flat boat, bound to New Madrid. On my inquiring for the other gentlemen, he told me, that as Murray had, for some time past, been in a habitual state of inebriation, it was not judged proper, that he should be of the party; that Mr. H. Innes, could not leave his home, owing to some family concerns, or to indisposition, I do not recollect which; and that the absence of lawyer Nicholas, would excite a degree of suspicion, that might defeat the object they had in view; but said, that he was fully authorised to treat with the Governor, in their name. We accordingly, proceeded to the mouth of the Ohio, he in the flat, myself in the pirogue. We arrived in a short time, on the Mississippi. There we found Gayoso encamped, opposite the mouth of the Ohio, where he had amused himself, in building a small triangular stockade fort, with the view of impressing the public with the idea, that he had no other object in contemplation. Here the bad weather detained us a few days; during which time we had the visit of Julian Poydras, and Mr. Bernoudi, jun. who were descending in a flat to New Orleans. We arrived at New Madrid, I think, on Christmas day, and remained there but a short time, and continued our route to Natchez, Sebastian, with the Governor, in his galliot, and myself with Mr.

Vanden Bemden, in a king's barge. After an ordinary passage, we arrived at Natchez, where we were hospitably entertained in government house. I stayed there but a short time; then proceeded to New Orleans, leaving Sebastian at the Governor's. They both reached Orleans together, a few days after me.

Mr. Sebastian and myself, left Orleans, if I recollect right, in March, or the beginning of April, having taken passage for Philadelphia, in the brig Gayoso, Captain Jared Arnold, where we arrived after nineteen days passage. We remained but a few days in Philadelphia, and proceeded to Shippensburgh in the stage. Here we put our baggage in a wagon, and for numerous reasons, unnecessary to expose, continued our journey to Red Stone, on foot. At Red Stone, we embarked in a flat, bound to Cincinnati, where we arrived on the 17th or 18th of May. The next day after our arrival, Sebastian took passage, in a flat, for Louisville. I remained at Cincinnati. On the 20th, I wrote to General Wilkinson, who then had the command of the army, owing to General Wayne's absence, soliciting permission to travel by the line of forts, to Greenville, and pursue my route from thence to the Illinois, by post Vincennes. The following is a copy of his answer:

(DUPLICATE.)

"*Head Quarters, Greenville, May 25th*, 1796.

"Sir.—The day before yesterday, I had the honour to receive a letter from you, under date of the 20th inst. in which you request leave to visit this place, and to proceed by St. Vincennes, and the Illinois, to New Madrid.

"Permit me, sir, to observe, that this precaution was unnecessary, at a time, when the United States of America, are happily at peace with all the world. In this enviable situation, the officers of the American army, have no concealments to make, and therefore, our camps and our posts, are free to the ingress and egress of all persons, who deport themselves with propriety.

"I beg you, sir, to believe, that upon an unpleasant occasion, to which you are pleased to refer, my conduct was directed more by the delicacy of my own situation, than any sense of your demerits: neither my sympathies, nor my antipathies, have ever gained such an ascendant over my reason, as to incline me to condemn on hearsay, or to adopt the prejudices of any man.

"I thank you, sir, for the trouble you have given yourself, in bringing forward the segars committed to your charge, by my very worthy friends, Governor Gayoso and Don Andres; and have the honour to be, with due consideration, &c. JA. WILKINSON.

"*Mr. Thomas Power.*"

Having obtained the General's permission to go to Greenville, Major Mills, Adjutant-General, procured me a horse from the Quarter Master, to carry me to Greenville. There I stayed five or six days, quartered on Captain Prior, and Lieutenant Charles Hyde. As soon as I had received the General's instructions, and answers to my despatches, I returned to Cincinnati; for my journey to the Illinois by Vincennes, was a devise, to avoid curiosity. I lost no time at Cincinnati, but proceeded with all possible haste, to New Madrid, where I took charge of Wilkinson's 9,640 dollars. For the details of the rest of this expedition, I refer to my deposition (No. 17.) taken before Mr. Eliphalet Fitch.

THOMAS POWER.

[Sworn to, March 18th, 1809, before E. Fitch, justice of the peace, at New Orleans.]

No. XLVI.

THE BARON CARONDELET'S INSTRUCTIONS TO THOMAS POWER.

New Orleans, May 26, 1797.

I have received, Sir, your letters of the 5th, of the 7th, 12th, 13th and 19th of May, and I briefly answer them in fulfilling your wishes, because, I entrust to you a commission of the greatest consequence, which does not compromit you in any manner, it being however, well understood, that you carry with you, no paper, which may make mention of it; and, as it procures you a sum of money, which you state to me you are in great need of; in fine, it renders you independent, and procures me the opportunity of recommending you to the minister of state. No one will be informed of it, not even the Intendant; there will be none but Don Andres and myself, who will be acquainted with the true motive.

General Wilkinson, having informed the commandant of New Madrid, that he is getting ready a detachment of the army, which he has at his orders, to take possession of the forts of Natchez and Walnut Hills, in conformity to the second article of the treaty of friendship, limits and navigation, concluded with Spain, hoping, that it will be faithfully observed; and, it having appeared proper in him to give this advice, in order to prevent any misapprehension of the motives, which direct this movement of their troops, &c. it is very natural that I should answer him, that, in the first place, some doubts having arisen respecting the manner, in which the posts are to be withdrawn on the part of Spain: that is to say, if they ought to be delivered with their fortifications and edifices, as the United States understand it, or simply evacuated, razed and abandoned, as I comprehend it; avoiding in this way, to compromit us with the nations, who have ceded to us the territories of the Bluffs, Walnut Hills, and Confederation, under the express condition, that we should build forts there, to prevent their lands being taken from them. I had resolved, in regard to this point, to await the decision of the court, or of the minister plenipotentiary near the United States, as well as theirs, but being informed shortly afterwards, that the abovementioned minister had informed the President, that an English expedition had left Montreal, with the intention of attacking the Illinois, had wintered on the lakes, and was to traverse the territory of the United States, in order to attack Upper Louisiana, and had demanded that, in virtue of the last treaty, the said states should oppose, by efficacious means, this violation of their territory. I then determined to retain the forts of Natchez and Walnut Hills, to place Lower Louisiana in safety, until the most efficacious measures on the part of the United States, should put it in safety from this danger, and until a sufficient corps of troops, commanded by an officer of superior rank, should present himself, to take possession of Natchez, maintain good order there, and restrain the robberies and difficulties with the Indians, conformable to the 5th article of the treaty, cited by the said General; that, in consequence, I am ready to evacuate the posts of Natchez and Walnut Hills, on the arrival of the detachment which he announces by his letter, dated from fort Washington, as soon as ever the Congress shall have agreed with the minister plenipotentiary of his majesty, on the way in which the said evacuation is to take place; but until this decision is made, I request he will suspend the march of the said

detachment, whose presence could not fail to disturb the tranquillity of the province, and perhaps, the good intelligence, which I wish to maintain between the subjects of the two powers. You will be the bearer of this letter, and if you believe you can prevent the American detachment from descending the river, you will deliver a duplicate of it to the commandant, requesting him to wait new orders from his General.

The second object of your commission, which no one must penetrate, and which for this reason, you must retain in your memory, is, to sound and examine the dispositions of the people of the western states, whose militia, it is reported to me, has received orders to be ready to march on the first advice; and in case that should be true, you will inform the commandant of New Madrid, of it, by the first opportunity you find. But, in order not to render yourself suspected, you will content yourself with putting the date of your letter at bottom, and will only treat of indifferent subjects. If hostile preparations are making, you will put before your signature, a stroke (une barre) like that which freemasons use, and which you see at the bottom of this letter; the number of dots above, will designate that of thousand men; and that below, the hundreds, of which this expedition is to be composed; you will point out the number of pieces of artillery, by a number of points, placed in your flourish (paraffe) according to your custom, the points on the left signifying tens, and those on the right, units. This letter will be immediately sent me, by the commandant of New Madrid, in consequence of the orders I shall give him. You may even mention it to him in yours, saying simply, that it is proper I should be informed, without delay, of your arrival on the Ohio, and that he should send me your letter by express. On your journey, you will give to understand adroitly, to those persons to whom you will have an opportunity of speaking, that the delivery of the posts, which the Spaniards occupy on the Mississippi, to the troops of the United States, is directly opposed to the interests of those of the west, who, as they must one day separate from the Atlantic States, would find themselves without any communication with Lower Louisiana, from whence they ought to expect to receive powerful succours in artillery, arms, ammunition and money, either publicly or secretly, as soon as ever the Western States shall determine on a separation, which must ensure their prosperity and their independence; that for this same reason, Congress is resolved on risking every thing, to take these posts from Spain; and that it would be forging fetters for themselves, to furnish it with militia and means, which it can only find in the Western States. These same reasons diffused abroad, by means of the public papers, might make the strongest impression on the people, and influce them to throw off the yoke of the Atlantic States; but at the very least, if we are able to dissuade them from taking part in this expedition, I doubt, whether the States could give law to us, with such troops alone as they have now on foot.

If a hundred thousand dollars, distributed in Kentucky, could cause it to rise in insurrection, I am very certain, that the minister, in the present circumstances, would sacrifice them with pleasure; and you may, without exposing yourself too much, promise them to those who enjoy the confidence of the people, with another equal sum, to arm them, in case of necessity, and twenty pieces of field artillery.

You will arrive without danger, as bearer of a despatch for the General, where the army may be, whose force, discipline and dispositions, you will examine with care; and you will endeavour to discover with your natural penetra-

tration, the General's dispositions. I doubt that a person of his character would prefer, through vanity, the advantage of commanding the army of the Atlantic States, to that of being the founder, the liberator, in fine, the Washington, of the Western States; his part is as brilliant as it is easy; all eyes are drawn towards him; he possesses the confidence of his fellow citizens, and of the Kentucky volunteers; at the slightest movement, the people will name him the General of the new republic; his reputation will raise an army for him, and Spain, as well as France, will furnish him the means of paying it. On taking fort Massac, we will send him instantly arms and artillery, and Spain limiting herself to the possession of the forts of Natchez and Walnut Hills, as far as fort Confederation, will cede to the Western States, all the Eastern bank to the Ohio, which will form a very extensive and powerful republic, connected by its situation, and by its interest, with Spain, which, in concert with it, will force the savages to become a party to it, and to confound themselves, in time, with its citizens. The public is discontented with the new taxes; Spain and France, are enraged at the connexions of the United States with England; the army is weak and devoted to Wilkinson; the threats of Congress authorise me to succour on the spot, and openly, the Western States; money will not then be wanting to me, for I shall send without delay, a ship to Vera Cruz, in search of it, as well as of ammunition; nothing more will consequently be required, but an instant of firmness and resolution, to make the people of the west, perfectly happy. If they suffer this instant to escape them, and that we should be forced to deliver up the posts, Kentucky and Tennessee, surrounded by the said posts, and without communication with Lower Louisiana, will ever remain under the oppression of the Atlantic States.

If you represent forcibly, these reasons, to Wilkinson, Sebastian, La Cassagne, &c. and if you diffuse these notions among the people, gaining by promises, which shall be faithfully realised, the best writers, as Brackenridge and others, you will be able to effect the most fortunate and the most glorious commotion; you will cover yourself with glory, and you may expect the most brilliant fortune; if, on the contrary, you should fail in this commission, it will not deprive me of the opportunity of obtaining for you, from the minister, an appointment, which will render you independent of hatred and jealousy.

You must set off without delay, and by land, going straight to Cumberland, as well to avoid fort Massac, as to endeavour to fall in with the American detachment, and persuade it to wait the answer, or new orders from General Wilkinson; for if it arrives at Natchez, there is every reason to believe, that we may come to blows, not being of a humour to put up with insults. The Intendant sends an order to pay you one thousand dollars.

If you could persuade the commissioner, Mr. Andrew Ellicott, to descend to the capital, I should, with the greatest pleasure, form an acquaintance with him; and by shewing him, without disguise, the copy of the orders, which I have sent to Mr. Gayoso, since his arrival at Natchez, he will perceive, that my conduct towards the United States is frank, founded on prudence and good faith, and void of the idea of breaking, or failing in the articles of the treaty; that, in fine, the unaccountable part of the conduct of the Governor of Natchez, only proceeds from the alterations which he has made, of his own accord, in my arrangements. Lastly, you may assure Mr. Andrew Ellicott, that I am persuaded, that in a month or two, all the difficulties will be settled by Congress, and by the minister plenipotentiary of his majesty, Don Carlos Martinez de

Yrujo, and that, consequently, he would do very ill to withdraw; on the contrary, he may come down conveniently, in my barge, with Mr. Guillemard, who is desirous of spending a month or two here, whilst we are waiting the answer of Congress, Mr. Ferrezola, has also orders to come to town.

I inform Mr. Gayoso, that you are the bearer of the answer to the letter, which General Wilkinson has written, to the commandant of New Madrid, and that I have given directions, to pay you a thousand dollars, on account of your last journey, and that you are about to undertake. This suffices. The field which is opened, is brilliant enough, but as much prudence as capacity is required, in order to succeed.

I have the honour to be,
With the greatest consideration,
Sir,
Your very humble and very obedient serv't.
LE BARON DE CARONDELET.

Mr. Thomas Power.

No. XLVII.

BARON CARONDELET'S DESPATCH.

New Orleans, May 29, 1797.

Sir.—Lieutenant Colonel Don Carlos Duhault de Lassus, commandant of the Post of New Madrid, has forwarded me your excellency's communication of the 30th of last April, in which you are pleased to advise him, "that in consequence of his letter to Lieutenant Taylor, under date the 18th December, you had the honour to inform him, that you was preparing a detachment of troops, from the army under your command, for the purpose of taking possession of the fortifications at Walnut Hills, and Natchez, in behalf of the United States, and in conformity to the stipulations, contained in the second article of the treaty of friendship, navigation and limits, concluded between the United States and his most Catholic Majesty; that your excellency gives this information, confiding implicitly in the good faith of the Catholic King, and in his amicable disposition towards the United States, in order to prevent any misapprehension of the motives, which direct this movement of their troops."

In reply, it becomes necessary to inform your excellency, with the greatest candour, that from the beginning, some doubts having arisen, concerning the manner in which these posts should be delivered by Spain; that is to say, whether they should be given up with their forts and edifices, as is understood by the United States, or simply evacuated, razed, and abandoned, as I comprehend they should be, avoiding by this means, involving ourselves in any difficulty with the Indian nations, who, by formal treaties, ceded us the territories of Chickasaw Bluffs, Walnut Hills, and Tombigbee, or confederation, under the express condition, that we should construct, or raise fortifications on them, to prevent their lands from being invaded; I had resolved to wait on this subject, the resolution of my court, or at least of the minister plenipotentiary to Con-

gress, as well as the determination of the latter; but learning shortly afterwards, officially, that the Spanish minister had communicated to the President, the information he received, of an English expedition having left Montreal, with the intention of attacking the Spanish settlements of Illinois; that it had wintered on the lakes, and was to traverse the territory of the United States, to invade Upper Louisiana; under which idea, the aforesaid minister has demanded, in virtue of the last treaty, that the United States should oppose, in the most efficacious manner, such a violation of its territory: the same powerful motive, produced my determination, of retaining in my power, the forts of Walnut Hills, and Natchez, with the view of preserving Lower Louisiana, until Congress should take measures, to secure it from this danger, and until a sufficient body of troops, commanded by an officer of a superior rank, should come, to take possession of Natchez, maintain good order there, and restrain any robberies, vexations, or plundering expeditions against the Indian nations, conformable to the fifth article of the same treaty, cited by your excellency.

On these principles, your excellency may be persuaded, that I am ready to evacuate the posts of Walnut Hills, and Natchez, on the arrival of the detachment, announced by your excellency, whenever Congress shall agree with the minister plenipotentiary of his majesty, in the manner in which said evacuation is to take place: in the mean time, I have to request, your excellency will give orders to suspend the march of the aforesaid detachment, whose presence would, in all probability, disturb the tranquillity of the province, and, perhaps, the good intelligence, which I wish may subsist, between the citizens of both powers.

I have explained to your excellency, with the greatest frankness, the motives which influence my conduct, in every thing coincident with the good faith, with which his Catholic Majesty has, in all times, fulfilled the obligations, which treaties impose on contracting parties.

I have the honour to be,
With sentiments of high respect and esteem,
Sir, your excellency's
Most obedient humble servant,
THE BARON OF CARONDELET.

His Excellency Brigadier-general J. Wilkinson,
commander in chief of the American army.

No. XLVIII.

GENERAL WILKINSON'S LETTER TO BARON CARONDELET.

Head Quarters of the Army of the United States,
Detroit, Sept. 4th, 1797.

Sir.—Your excellency's letter, under date of the 29th May, transmitted by Mr. Power, reached my hands last evening; long before this period, the detachment from the army of my command, to which reference was made in my communication, to Lieut. Col. DeLassus, must have reached the point of its desti-

nation, unless opposed by your excellency's authority, which God forbid; as the prevention of the movement of that detachment, appears to be the sole object of your address to me, the preceding circumstance, in effect, supercedes the necessity of further replication on my part.

But, as the occasion has offered, my regard to the obligations, subsisting between the United States and your sovereign, and an earnest solicitude to preserve unimpaired, the bonds of their present amicable connexion, as the surest foundation of the mutual interests and happiness of our respective countries, will not suffer it to escape, without the expression of my sanguine hopes, that all apprehension of an invasion from this quarter, has long since subsided, and that Captain Guion, on his arrival, has been able to remove every other exception, to the execution of the treaty of friendship, limits and navigation.

This officer's experience, his good sense, the powers with which he is clothed by the President of the United States, and the particular orders under which he acts, all conspire to promise a happy result to his command, in which, I flatter myself, I shall not be disappointed.

Your excellency will perceive, by the enclosed extract from Captain Guion's orders, that he is authorised to remove the impediments, which respect the demolition of the fortifications, erected by the troops of Spain; and he is empowered also, to carry into effect, your views, relative to the good government of the settlements of Natchez, and the preservation of tranquillity with the Indians, to which he is amply competent.

The remaining obstacle, founded in the apprehension of an invasion of Upper Louisiana, from the side of Canada, by the troops of his Britannic Majesty, my particular position, enables me to remove, and I take much pleasure, in fulfilling this obligation of public trust.

The obligations attached to my station, necessarily directed my observation to this subject, so soon as I reached this quarter; the result, and a recent visit to Michilimackinac, the only pass through the territories of the United States, by which the forces of his Britannic Majesty from Canada, can strike the possessions of your sovereign, in Upper Louisiana, with promptitude and effect, authorise me to pledge my public character, and my private honour, that no such project has been acted upon in this quarter; and, I feel it my duty, to assure you, with equal solemnity, that should such attempt be made, pending the present relations of the United States and Spain, I shall give effectual opposition to it, and preserve inviolate, the rights of my country.

My desire to give you the most thorough satisfaction, and to remove every doubt on this subject, induce me to add, that the levy of a small corps of provisionalists in Canada, during the last year, appears to have been intended for the relief of the established troops of Britain, then stationed at this place, and in the vicinity of Niagara, because, those troops have been since withdrawn, and garrisons of provisionalists, introduced in their places. After this candid, and I will say, amicable exposition of facts, I must believe, that all apprehensions of an invasion from this quarter, will be quieted, and that this objection to the fulfilment of the treaty, with all others, may give place to its immediate and faithful execution.

As I deem it material, that this communication should reach you as speedily as may be, I have directed the most convenient and expeditious route, for the return of your messenger, Mr. Power, and for his accommodation and safe

passport, against disorderly persons, I have ordered an officer, and a suitable escort, to attend him to your advanced posts, on the Mississippi.

With sentiments of much personal respect, I have the honour to be your lordship's most obedient and most humble servant,

JAS. WILKINSON.

Baron de Carondelet.

No. XLIX.

GOVERNOR GAYOSO TO GENERAL WILKINSON.

New Orleans, January 18th, 1798.

Sir.—By Mr. Power, I received in due time, your excellency's favour of the 4th September last, directed to my predecessor, in reply to his communication of 29th May. He arrived safe at New Madrid, under the escort that your benevolent provision ordered for his protection.

I should immediately have acknowledged the reception of your said letter, did I not expect, by the first packets, his majesty's resolution, concerning the suspense that various causes successively occasioned, in the operation of evacuating the posts of Nogales and Natchez.

My expectations were founded; and by the last packet that brought in two mails, with the correspondence of August and September, I received principal and duplicate of his majesty's orders to evacuate said posts.

Without loss of time, I communicated the same to Captain Guion, by Major Minor, and directly to Mr. Ellicott. At the same time, gave the most precise orders to the commandant of Nogales, to ship in the galleys, the number of troops and artillery, that they may contain; and from this I shall send a sufficient number of boats to withdraw the rest from that post, and from the Natchez; so that in the month of March, I hope this operation will be completed.

It is with the greatest satisfaction, that I acquaint your excellency with this event, which proves that every difficulty is subsided, and that the most intimate connexion will bind our nations for their common welfare and security, and reestablish that confidence, that appearances, ungenerously interpreted, had shakened in part of the society.

With real concern, I have seen in the pubiic papers, the misconstruction that some persons made on our conduct: they only viewed one object, and neglected the vast field of political interest of nations, in which every one traces its path. Some even attribute it to the caprice of the Governors of Louisiana; how could any person be persuaded, that a Governor would dare oppose the intentions of his royal master? However, now they will do us more justice, and turn their conjectures into sentiments of real friendship, which, in the extent of my command, I shall promote with sincerity; doubting not of an equal return from you, and from all the persons that have it in their power to cultivate the best understanding between our nations.

I say no more of the affair of Natchez. I have faithfully transmitted the facts to my court, and it is for it to require such a satisfaction as nations reciprocally are accustomed to give to one another.

I have the honour to enclose a copy of the letter I write, with this date, to Captain Guion.

I have the honour to be, with the highest sentiments of personal esteem and respect,

Sir,

Your excellency's most humble and very obedient servant,

MANUEL GAYOSO DE LEMOS.

General James Wilkinson.

No. L.

GENERAL WILKINSON'S LETTER TO GOVERNOR GAYOSO.

Pittsburgh, December 10, 1797.

Sir.—It is with great regret, that I find it to be my duty, in the discharge of my trust, to make known to your excellency, certain practices, which have taken place within the United States, of a nature calculated to disturb their peace, and having for their authors, officers of his Catholic majesty.

My opportunities, as general in chief of the army, have enabled me to assure you, from the highest authority, that agents, vested with powers from Spanish officers, and instructed for purposes, injurious to the rights of the United States, have visited most of the Indian nations, within our territory, and induced some of those nations to hold councils, and deliberate upon speeches, inviting them to desert the territory of the United States, and take up the hatchet against the Americans and English, whom they were pleased to blend and characterise in those speeches, equally the enemies of Spain. Those attempts to rouse the sleeping cruelties of the savage, so repugnant to humanity, and subversive of the principles of a recently ratified treaty between Spain and the United States, cannot, I am persuaded, have met with your concurrence. I flatter myself, therefore, that you will authorise me to state to my government, that they have taken place without your participation, and that measures will be adopted, to manifest the sense you entertain of such attempts, to prevent efficaciously, their being repeated. It is proper, also, that I should notice to you, another circumstance, apparently connected with those attempts. Captain Guion, with a detachment of the troops of the United States, destined for the Walnut Hills and the Natchez, has been, in the month of July, ultimo, formally requested, by the commandant of New Madrid, to suspend the execution of his orders, and has had a protest against his passing down the Mississippi delivered him, importing to be from the same commandant. I inclose you a copy of this protest, which could not fail to excite surprise, considering, that Captain Guion, in navigating the Mississippi with his detachment, was in the use of a right secured to the United States by treaties, and more especially too, as the object of his expedition, was strictly, to the treaty between Spain and the United States, independent of the force he commanded, having become indispensibly necessary to secure and maintain a continuance of the friendship

of the Indian nations, residing within the actual territory of the United States, on the east side of the Mississippi. What renders this proceeding more particularly deserving of attention is, that the apprehensions of the Spanish, of invasion from Canada, must have been long since, and previous to this protest, effectually dissipated; for it is certain, as I have had the honour to inform the Baron de Carondelet, that no indications whatever, of an invasion of Louisiana, from the Lakes, have, at any time, existed It cannot, besides, be unknown to your excellency, that the President of the United States, had early caused it to be officially announced to the British minister in Philadelphia, that he would not permit the territory of the United States, to be violated, by either Spain, or Great Britain, in their operations against each other: a determination which the Spanish minister at Philadelphia, has been duly informed of, and which has become an act of public notoriety, by having passed into the public papers. In addition to these circumstances, your excellency may also have seen in the public prints of the United States, if it has not been communicated to you by the Spanish minister, a letter from the secretary of state of the United States, to the chevalier Don Yrujo, under date of the 17th of May ultimo, which ought to satisfy you, that the United States can have no question to settle or negotiate with the court of Spain, relative to any right which may be claimed by Great Britain, to a participation in the navigation of the Mississippi. If Great Britain has any right of this kind, it is for her to look after it. The United States have entered into no stipulations with that nation, either to give it to her, or obtain it for her, or to facilitate to her its acquisition. The reading of that letter, and existing treaties, will shew you, that whatever was the state of this question between Spain and Great Britain, previous to our late treaty with that nation, remains unaltered and unaffected by such treaty, and that in this light it is considered by the government of the United States. You will be pleased moreover, Sir, to observe, that my assurances in my letter to the Baron, a copy of which I inclose, of the 14th September ultimo, is grounded on this fact. I have therein expressly declared, that should Great Britain attempt an invasion of Louisiana from Canada, through the United States, pending the present relations between the United States and Spain, I should feel it my duty to give it *effectual opposition.*

I now persuade myself, that this disclosure of circumstances, will demonstrate to your excellency, the strict regard which the United States have paid to the rights of Spain, and their engagements with her. For my part, it has been a source of pleasure to me, to endeavour to obey the will of the President in those respects, as contained in my instructions, the basis of which is, to cultivate harmony between the two nations, to avoid whatever might be contrary to the stipulations in our treaty, and to reciprocate every act of kindness or civility, which could, in any way, tend to consolidate their mutual interests. The wisdom of this policy, as applicable to both nations, cannot have escaped your notice. The contiguity of their territory, every event which affects their inhabitants, every thing which we see around us, impresses upon the reflecting mind, the necessity and the propriety of the officers of the respective countries, to whom power is entrusted, abstaining from giving real ground of offence, or just reason for retaliation. Thinking in this manner, I anticipate that it cannot be your wish (it being so contrary to the interest of Spain) to countenance a policy, different from that which has hitherto animated the United States, and which appears to have governed your nation, when it concluded a treaty of

boundary, friendship and navigation, with mine. I anticipate, above all, as a proof of the continuance of this disposition on the part of Spain, the removal of such of the Spanish troops, as may be still remaining within any part of the territory of the United States.

Major Freeman, of the United States army, who will have the honour to deliver this letter to you, will receive your excellency's answer, which, for the greater safety and despatch, I must request of you to enclose to the minister of the department of war, for the United States, at Philadelphia; and at the same time I shall be obliged to you for a duplicate, to be forwarded through the hands of this officer of the United States, commanding at Natchez.

I have the honour to be, &c.

(Signed) JAMES WILKINSON.

To his excellency the Governor-general of Louisiana and its dependencies, New-Orleans.

No. LI.

GOVERNOR GAYOSO'S LETTER, IN REPLY.

New Orleans, March 30th, 1798.

Sir.—By Major Freeman, I received your excellency's communication, which contains the following points:

That it is with regret, you find yourself under the necessity, of acquainting me with certain practices, of some officers of his Catholic majesty, which have taken place within the territory of the United States, calculated to disturb the peace of both countries. That as general in chief of the army, you are informed, from the highest authority, that agents, vested with powers from Spanish officers, have visited most of the Indian nations within your territory, and influenced them with notions, injurious to the rights of the United States, inducing some of the nations to hold councils, and deliberate upon speeches, inviting them to desert the territory of the United States, and take up the hatchet against the Americans and English, whom they characterise as equally enemies of Spain.

Your excellency does me the justice to believe, that it is without my concurrence, and likewise you wish to be assured by me, that such conduct took place without my participation, and that measures will be taken to prevent the same for the future.

In addition to such grievances, you consider as such, the protest, made by the commandant of New Madrid, against the passage of Captain Guion, with his troops, on his way down to the Walnut Hills, and Natchez. Your excellency incloses a copy of said protest, and reflects on the impropriety of such a conduct, both as its being contrary to the late treaty, and unnecessary with respect to the invasion from Canada; as you expect, that all apprehensions might have been dissipated by your communication to the Baron Carondelet, and by the publicity, of the official intimation from the President of the United States,

to the British minister in Philadelphia, a determination on which our minister in Philadelphia, had been duly informed of.

Your excellency is pleased to make several political reflections, concerning the pretensions of the British to the navigation of the Mississippi, supported with a copy of the letter, that on the 17th September ultimo, you wrote to the Baron Carondelet.

You continue, sir, with a most pleasing discourse, in which I reciprocate with you, contemplating the mutual interest of both our countries, and the satisfaction of being the instruments of promoting it, in compliance with the humane and benevolent wisdom of our rulers; observing, at the same time, the necessity and propriety, that the officers of the respective countries, to whom power is entrusted, should abstain from giving real grounds of offence, and just reason for retaliation.

You expect, that I will contribute to support the principles that governed any nation, to enter into a treaty of friendship, boundaries and navigation, with yours, and that a proof of the continuance of that disposition on the part of Spain, will be the removal of such of the Spanish troops, as may be still remaining within any part of the territory of the United States.

You announce to me, Major Freeman, as the bearer of your communication, and whom you appoint to receive my answer, which, for the greatest safety, you wish to be enclosed under a flying seal, to the minister of the department of war, for the United States of America, at Philadelphia, and a duplicate, through the hands of the officer of the United States commanding at Natchez.

At any former period, I should find it indispensible to enter into the most minute detail of facts, to prove to your excellency, the propriety of our conduct, and that it was never our view to injure the interest of the United States, either in depriving them of the privileges and advantages, that was intended by the treaty, nor with regard to the interference you mention, that some of our officers have had with the Indian nations, within the territory of the United States.

The exact compliance with the treaty of friendship, boundary and navigation, on our part, as soon as those difficulties, that obstructed its execution disappeared, is a proof, that we had no other motive for the disagreeable retard, than self-preservation. All that I could say, on this important subject, to convince you of the purity of our conduct, cannot equal the fact, of Major Freeman's having seen the forts of the Walnut Hills and Natchez, almost evacuated; and I assure you, sir, that operation shall not discontinue with the utmost alacrity, until concluded. I even believe, that it will be completed, in the course of the present month.

The line of demarcation, will immediately be commenced. I intend to be present, at the fixing of the first point on the Mississippi, and I dare say, that Mr. Ellicott, is already, on the vicinity of the 31st degree, in company with Mr. Dunbar, who is our astronomer, to make the preparatory dispositions for the first observations.

Convinced, as I am, of the intentions of the King, my master, to promote friendship, and the reciprocal interest of his subjects, and of the citizens of the United States, so as to make them so intimately connected, that no other foreign politics, shall disturb the peaceable possession of the blessings, that infallibly will follow to us both, I have given the most positive orders, to the acting officers under my command, both at Natchez and the Walnut Hills, to leave the

fortifications in the state they were in, without demolishing any part of them; and as to the buildings, that otherwise might be sold to the public, to offer the preference to the commanding officer of the United States troops at Natchez. I also gave every other instruction, that can prove my disposition, to improve that friendship, from which we are to reap the immense advantages, that Providence has intended for our nations.

I am informed, that Captain Guion has adhered to my proposal; and in concurrence with our commanding officer at Natchez, have appointed appraisers, and under his receipt, will keep the buildings; leaving to our courts to arrange the payment thereof.

If late experience did not shew to me, the bad consequences of wishing to bring justification to a pitch of purity, that it is out of the human power to prove, I should try to explain the conduct of Mr. Lorimier, since he has had any thing to do with Indians; and, though those transactions never had any influence from me, as until I took possession of the command in chief of these provinces, he never was under my orders. As former Governor of the district of Natchez, I have had an intimate intercourse with the southern tribes; but I pledge you my word of honour, that I never gave any talk injurious to the interests of the United States.

Before the treaty, that I had a right to treat with those nations, as free and independent ones, I advised them to be at peace among themselves, and with all the white people, and to be steady to their engagements towards us, in consequence of our ancient and repeated treaties, in the same manner that we kept ours, by furnishing them traders and presents; but never, never did I excite them, to be the scourge of the human race, by the exercise of those cruelties, that with horror, we bring to our recollection.

Since the treaty between the United States of America, and the King my master, I gave no direct talk to any Indians, though I have spoke with some, and then I informed them of our said treaty, and made them comprehend the advantages, that would result to the red people. Therefore, it is absolutely false, that we had called upon the Indians for assistance, in the time of the troubles at Natchez. I even can assure your excellency, that not a single officer of Spain, either spoke, or commissioned any body, to speak to the Indians in my neighbourhood, to act in favour, or against any nation whatsoever; on the contrary, my exertions were to keep them at a distance, and never to see one.

About six weeks ago, Bloody-fellow, came to this city, to consult me about some of their affairs, to which I gave the answer, of which I have the honour to inclose a copy to your excellency.

A few more Cherokees, have lately called upon me, to ask permission, to cross over to the western side of the Mississippi, which I refused; and in the most explicit manner, informed them, that in consequence of the treaty between the United States and us, I had no more to do with them. I requested Major Freeman, to be present at this short conference.

I assure your excellency, that it is absolutely against my system, to encourage the Indian nations to emigrate into our territory, and shall do all in my power to prevent it.

Actuated by these principles, you may depend, that I shall not commission any person to go on public business, into any Indian nation within the territory of the United States; and I flatter myself, that the same line of conduct, will be

observed by the officers of the United States, with respect to our territory. I even request your excellency, to give orders, for arresting any subject of Spain, that, under pretence of being commissioned by me, should be disturbing the Indians of your dependence, and when detained, if your excellency sends him to me, I shall make him suffer the due punishment.

I have remarked to your excellency, that in my former talks, I never made use of any expressions, that could injure the political interest of the United States, and henceforth you may depend, that I will make it my very particular study, to be even more cautious, in so important an object; and I flatter myself, that the talk, Captain Pope is just now giving out in the Chactaw nation, is conceived in the same terms, as part of that nation remains within the territory of his majesty.

I am so intimately convinced of the necessity and propriety, of the officers of the respective countries, in whom power is invested, abstaining from giving real ground of offence, or just reason for retaliation, that I will immediately issue the most strict orders, to the commandants of every frontier post, to conduct themselves in such a manner, as to answer the intentions of the King my master, and the executive power of the United States, to promote the reciprocal interest of both nations, and make our friendship so sincere and permanent, as to be considered that of one same people.

These being my sentiments, I doubt not, that they will sympathise with yours, and that this my answer, fulfils your expectations in every point, without exception.

Without entering into a particular detail of the reasons, that I suppose, impelled the commandant of New Madrid, to protest against the passage of Captain Guion, with the troops under his command, I flatter myself, that your excellency will judge of my opinion, by the letter I wrote to Captain Guion, on the 19th August, 1797, by which I absolved him of the parole of honour he gave, of not proceeding beyond the Chickasaw Bluffs. Enclosed, I do myself the honour of transmitting to you a copy of the said letter.

As to myself, I never offered the least objection to the concurrence of the troops of the United States, in the district of Natchez, and only recommended to Captain Guion, not to be in sight of the forts, to prevent misunderstandings; and though he did not accede to my proposal, I did not think it material, to make it a point of discussion, being positively sure, that he would not offer any act of disrespect to the flag of his majesty, whilst we occupied the posts: so much did I depend on the character you gave me, of this worthy officer.

I am with due consideration, and real esteem,

Sir,

Your most humble and obt. servt.

MANUEL GAYOSO DE LEMOS.

General James Wilkinson.

No. LII.

POWER'S CORRESPONDENCE.

Detroit, September 5th, 1797.

Sir,—In the conversation with which your excellency honoured me yesterday, you gave me to understand, that it was necessary I should proceed to New Or

leans, with the greatest possible promptitude; and it having since been intimated to me, that it was your intention I should return by way of Fort Wayne, and from the portage to Post Vincennes, by water, I request you will indulge me with the liberty of laying before your excellency, that independent of the great fatigue, and the many difficulties inseparable from this route, which alone would determine me to give the preference to the route by Cincinnati, my own private affairs demand that I should pass by Louisville, where I have a boat in readiness to convey me to New Orleans, and also to stop at Red Banks, on the Ohio, 46 miles above the mouth of the Wabash, where I have to recover some money due me, on account of former commercial concerns, I have had there, as I can make it appear to your excellency, by documents I have with me.

These considerations, I trust, will have their due weight on your mind, and induce you not to throw any obstructions in the execution of the arrangement I have in contemplation. Should they, however, fail of making the impression that I flatter myself they will, I shall see myself under the necessity of appealing to the *right* that I conceive myself to possess, as a Spanish subject, in virtue of the peace and friendship, that at present unite his Catholic majesty and the United States of America, to choose whatever route my inclinations may point out.

I have the honour to be,
With due consideration,
Your excellency's most obedient and humble servant,
THOMAS POWER.

His Excellency General James Wilkinson.

Head Quarters, Detroit, Sept. 5th, 1797.

Sir.—I have the last moment, received your letter of the day, which occasions me much surprise.

At our first interview, the night before last, I expressed to you the necessity of your speedy return, by the shortest route, to the Baron de Carondelet, with my answer to the letter which you bore me from him. You offered no objection to this proposition, except the incapacity of your horses for the journey, which I immediately agreed to remove, by furnishing others.

You at the same time, complained to me, of the violence and outrage, which you had experienced on your journey to this place; being at one time stopped, and another time pursued, seized and examined in every particular, of person, baggage and papers. It seems a little singular, that you should incline to retrace a route, in which you had suffered such abuse, when a secure and convenient one is proposed to you.

As no man can more highly appreciate the rights of treaties, and of individuals, than myself, and as I am well apprised of the obligations, subsisting between the United States and his Catholic majesty, I am among the last men on earth, who would wantonly, or capriciously, question the comparted rights of the two sovereignties, their citizens or subjects.

But as you have approached me in a public character, and on national business, which requires my speedy answer to the letter of the Governor of Louisiana, whose messenger you are, I cannot consider you so far a free agent, as to state the time, or route, for your return, but that you stand bound by motives

of political import, as well to Spain, as to the United States, to communicate the objects of your mission, with all possible promptitude; and of consequence, that all objects of a private or personal nature, must yield to the obligations of public duty.

I therefore, Sir, cannot recede from my purpose, and will hope, you may be prepared to take your departure, early to-morrow morning, in the company of Captain Shaumburgh, who will be instructed to attend you to New Madrid, and who will receive and forward any letter you may wish to send to the falls of Ohio, from the most convenient point of your route.

With due consideration,

I am, Sir, your obedient servant,

JAMES WILKINSON.

Mr. Thomas Power.

Detroit, Sept. 5th, 1797.

Sir.—Your answer to my letter of this day's date, now lies before me. I have to observe in reply to it, that, although at our first interview, I did not offer any other objection to your proposition, of my returning to Louisiana, by the shortest route, than the incapacity of my horses, it does not follow, that I had not any other to oppose to it: and had I then suspected, that it was your intention that I should return by Post Vincennes, I should, most undoubtedly, have started the same difficulties, and have expressed the same unwillingness to return by that route, that I have manifested in the letter I had the honour to write you this morning. This, I hope, will remove the aspect of singularity, under which my last objections presented themselves to your view.

Your precautions to protect my person from violence and outrage, such as I lately experienced on my way to this place, and such as I have, on various occasions, experienced in the United States, would impress me with the warmest sentiments of gratitude, did not the restraint to which I have been subjected since your arrival at this place, direct me to look for the source of this measure, in motives very remote from a mere solicitude for my safety.

I am willing to believe, that you know how to appreciate the right of treaties and of individuals. But, waving the question of right, allow me to observe, that notwithstanding I approached you in a public character, and on national business, I nevertheless conceived, that as I was not bound by any particular or positive orders, from his excellency the Baron of Carondelet, I had a discretionary power to make my way back to Louisiana, in the manner I might judge most convenient; and that I was accountable solely to his excellency for any procrastination in my return. Further, it being impossible to consummate the object of my mission, it appeared to me of little importance, whether I arrived at New Orleans a day sooner or later; and that I might, without incurring the reproach of negligence or dilatoriness, devote four or five days to objects of a private and personal nature.

However, as you are pleased to acquaint me, that the letter of the Governor of Louisiana, requires your speedy answer, I will, without reluctance, sacrifice every personal consideration to public duty, and hold myself in readiness to take my departure, early to-morrow morning in the company of Captain Shaumburgh.

As the suddenness of my departure, and the species of confinement, in which your excellency has thought proper to order me to be kept, render it utterly impossible for me to dispose of two very valuable horses I left at the river Raisin, which, if I leave unsold in this country, will occasion me a considerable personal loss, permit me to solicit your friendly assistance in getting them off my hands; an obligation which will be gratefully acknowledged by him, who has the honour to be, with due consideration,

Your excellency's most obedient and humble servant,

THOMAS POWER.

His Excellency General Wilkinson.

No. LIII.

GENERAL WILKINSON TO THE SECRETARY OF WAR.

Extract from a letter from General Wilkinson, to the hon. James M'Henry, Secretary of War, dated

Head Quarters, Detroit, Sept. 6th, 1797.

Sir.—On entering the river St. Clair, from lake Huron, on the morning of the 2d instant, I met a despatch boat, with a letter from my Major of brigade, Lovel, covering the copy of a letter from the Baron de Carondelet, which had been presented here a few days before, by the celebrated Power. Fearing delays from calms or adverse winds, I instantly ordered a return of the express, with a note to Lieut. Colonel Strong, directing certain restrictions to be imposed on this messenger.

I did not reach this post until the night of the 3d inst. when I was happy to find, that my order to Colonel Strong, had, in a great measure, been anticipated. Mr. Power was immediately presented to me, and informed me, that having been appointed secretary to the commissioners, for running the line of demarcation between the United States and the territory of Spain, on the Mississippi; and some difficulty having arisen on the subject, the Governor of Louisiana, had despatched him with a letter for me, to Fort Washington, on the presumption of that place being my head quarters; that he proceeded by land, to Bardstown, in Kentucky, where hearing of my departure from Fort Washington, he had turned to the left, crossed the Ohio, at the Rapids, and travelled by Vincennes and Fort Wayne; that he had been much abused in his route, as he has been stopped and insulted in Cumberland, and was pursued from the Rapids of the Ohio, overtaken and searched. I acknowledged the receipt of the Baron's letter, informed him that I should answer it the next day, and that it was necessary he should return with my reply by the nearest route, and without delay; to which he objected the condition of his horses; but, upon agreeing to remove this difficulty by exchanging them, he assented. I, at the same time, observed to him, that strong suspicions were entertained of the rectitude of his motives, for visiting the western settlements of the union so frequently; and that, whether these were well or ill founded, it became my duty to impose cer-

tain restrictions upon him, which might be unpleasant, but which I flattered myself, his understanding and experience would not only excuse, but justify; to which he signified his assent, in presence of several gentlemen. I state these particulars, to remove any exception, which may, hereafter, be taken to this transaction; and, as it is possible, the object of his visit here, was to sound and excite the Canadians, I would have detained him, until the will of the executive could be known, had I the slightest ground for justification, or did I not apprehend, the circumstance might have furnished a new pretext for the non-execution of the treaty. On the 5th, Mr. Power, objected by letter, to the route proposed for his return, insisted on going by Cincinnati and Kentucky, and claimed this right as a Spanish subject. His application served but to confirm my purpose; and this morning, he was sent off by water, to the Rapids of the Miami, under charge of Captain Shaumburgh, who, should prudence warrant it, will avail himself of the occasion, to reconnoitre the post at New Madrid.

A true extract, upon honour.

JAMES WILKINSON.

No. LIV.

NARRATIVE OF THOMAS POWER.

December 5, 1797.

On the 3d of June last, I received the Baron de Carondelet's letter, dated 28th of the preceding month, accompanied by the instructions therein announced. In consequence of the orders and intention, which his excellency has deemed proper to advise me of in them, I took the necessary steps for the journey, and set out on the 8th of the same month. Having lost my horses the day I set out from Bayou Pierre, and by other unforeseen and unavoidable accidents, my arrival at Nashville, (capital of Cumberland) was retarded until the 5th of July, where I was compelled to remain some days, AS WELL to execute with exactness, my private instructions, carefully to examine the dispositions of its inhabitants, with respect to the difference then existing, between the United States and us, and to ascertain definitively, the part, which they intend to take, in the present crisis, as also to lessen the difficulties which were rising, to provide against doubts, and avoid the dangers, which would not fail to result from the rumours, spread among the public, as to the true object of my journey. The magistrate, Mr. J. Gordon, detained me some days.

Having done away, and overcome these difficulties, I pursued my journey to Louisville, where I had an interview with Mr. B. Sebastian, to whom I communicated the apparent motive, and likewise the true cause of my mission. Besides, the propositions expressed in my instructions, not to lose the fruit of my journey, I found myself compelled to add the following, since, without the first, I perceived, that neither he, nor the other persons, interested in this important undertaking, would have taken the necessary measures for the happy issue of it. In the first place, I have agreed, that whenever one of those who

favoured the fomentation of the projects of the Baron, should; by this means, lose his office, he shall receive from the King an indemnification, with the emoluments which he enjoyed.

2d. That the boundary line on the north, between the territory of his majesty, and that of the new states of the east, must begin at the mouth of the river Yazoo, and extend in that direction as far as the Tombigbee; that the last strong post, or Spanish settlement on said river, be six miles within his majesty's territories.

3d. That the place called St. Fernando de las Barrancas, with all the land granted to Spain, by the Chicacha nation, in the treaty made with her by Mr. M. G. de Lemos, must remain in his majesty's possession.

4th. That the king is not to interfere, neither directly, or indirectly, in the formation of the government or laws, which they may think proper to establish.

Consequent to these objects, we resolved, that he should make them known to Messrs. Nicholas, Innes, Todd, and other persons, in whom he confided, who were zealous for the improvement, prosperity, and independence of Kentucky, &c. absolutely refusing to speak to Murray or Brackenridge on the subject, as he mistrusted both. The first is given to drink, infidelity and perfidy; the other is notorious to hold conferences with them, directed towards verifyim- the desires of the Baron, and concert measures to that effect. In the mon- time, I should continue my journey to Detroit, where General Wilkinson this AS WELL to deliver him the Baron's letter, as to conceal the object of m- them- sion, and avoid what was plotting against me at Louisville, whose inhabitants were very mutinous at my arrival in the country, and were openly threatening of me. We agreed also, that on my return, I should pass through Great ma- Cincinnati, Newport, Georgetown, Lexington, Frankfort, &c. to see the agreed men above mentioned, and inform myself thoroughly, of the result of their co- ferences, and that he, (Sebastian) with another appointed person, should ac- company me as far as New Orleans. Notwithstanding, Don B. Sebastian is persuaded, that for the present, all the means and endeavours, used to stimulate the inhabitants in the Western States, to separate themselves from the confederation, will be useless, still he will not fail to exert his utmost, to obtain what we so anxiously desire.

To return to my journey. I sat out from Louisville, the —— of July, to arrive at Detroit as soon as possible, and the following day, I met with the accident manifested in the documents No. ——. Note, that on the 16th of July, I wrote to Captain Isaac Guion, forwarding him the copy of the Baron de Carondelet's letter to General James Wilkinson: I enclosed a copy of mine, to said Captain Guion, No. ——. Nothing new presented itself in the course of my journey, and I arrived in the neighbourhood of Detroit, on the 16th of August. I was informed, that General Wilkinson had set out for Michillimackinac, in consequence of which, I did not enter the post until the 24th, which was the day they expected him; but he did not return before the 3d or 4th of September. Before he arrived, as soon as he knew that I was there, he ordered me to remain arrested in the quarters of the officers. On the 6th, he delivered me his answer to the Governor's letter, obliging me (contra jus gentium) to return to New Madrid, by Wabash, under a guard, commanded by Captain Bartholomew Shaumburgh, as is proved, not only by my correspondence with him on the subject, but also by the declaration of Shaumburgh. On my arrival at Post

Vincennes, I despatched an express to Louisville, with a letter for Benjamin Sebastian, advising him of what had occurred, and informing him minutely, of the motives, which prevented me from complying with my promise given him. On the 10th of October, we arrived at New Madrid, without any particular occurrence. I remained in that place fifteen days, waiting for Mr. Sebastian. Finally, seeing that he did not come, and not hearing from him, I departed on the 24th of October, but by low tides, bad weather, and winds from the southward, I did not arrive at this capital before the 30th of last month. Captain Shaumburg, by order of General Wilkinson, and on account of the United States, defrayed all the expenses of our voyage from Detroit, to New Madrid. But let us return to the object of my mission.

General Wilkinson received me very coolly. During the first conference I had with him, he told me very bitterly, "we are both lost, without being able to derive any advantage from your journey," and asked me afterwards, if I had brought him the 640 dollars; he added, that the executive had given orders to the Governor of the North West territory, to take and send me to Philadelphia; that there was no other resource for me to escape, but by permitting myself to be conducted immediately, under a guard, to the fort Massac, and from there to New Madrid. Having informed him of the proposals of the Baron, he proceeded to tell me, that it was a chimerical project, which was impossible to execute; that the inhabitants of the Western States, having obtained by treaty, what they desired, would not wish to form any other political or commercial alliance; and that they had no motive for separating themselves from the interests of the other States of the Union, even if France and Spain, should make them the most advantageous offers; that the fermentation which existed four years ago was now appeased; that the depredations and vexations, which American commerce suffered from the French privateers, had inspired them with an implacable hatred for their nation; that some of the Kentuckians had proposed to him to raise 3,000 men, to invade Louisiana, in case war should be declared between the United States and Spain; that the latter had no other course to pursue, under the present circumstances, but to comply fully with the treaty, which has overturned all his plans, &c. and rendered useless, the labours of more than ten years; that as to him, he said he had destroyed his cyphers, and torn all his correspondence with our government, and that his duty, and his honour, did not permit him to continue it; that, with all, the Governor ought not to be apprehensive of his abusing the confidence which he has placed in him; finally, that Spain, by delivering up to the United States the territory of Natchez, &c. might, perhaps, name him Governor of it; and that then, he would not want opportunities, to take more effectual measures, to comply with his political projects. He complains very much, that the secret of his connexion with our government, had been divulged, for want of prudence on our part; that he knew in September, of the last year, by means of one of his officers, that Spain had no intention to give up the posts, since the above mentioned officer, saw a letter at Post Vincennes, written by a Spanish officer, of the Illinois, and directed to an inhabitant of that place, in which he tells him, that Mr. Audrain has a correspondence with Z. Trudeau, (or makes it to be believed) and that he communicates to him private affairs of the government, so that Audrain is accustomed to spread news, that at all events, may cause a rupture in the frontiers; that Mr. Trudeau, has conducted himself with a great deal of imprudence, having sent emissaries among the Indians, in the territory of

the United States, inviting them to come and establish themselves in that of Spain, telling them that his father, the Spaniard, was at war with the English, and that he would soon make it with the Americans, &c. &c.

With respect to the dispositions of the people of Kentucky, the opinion of Mr. Sebastian, differs very much from that of General Wilkinson. He says, that, even if war is declared between Spain and the United States, we will have nothing to fear from the Kentuckians; and he has not omitted to insinuate, that it would be the most efficacious mode, to spur them on, to take a violent part against the Eastern States. Without considering the many representations, which, verbally, and in writing, I have made to your excellency, and to the Baron de Carondelet on this subject, I will recapitulate in a few words, the result of my many observations, made with the most scrupulous attention.

A great portion of the principal characters in Kentucky, Cumberland, and the North West Territory, have been instigators of the expedition of Genet and Clark, against this province, consequently, they are enemies of those, who are of the French; more than one half of the rest are those, who take the greatest interest in a more intimate union of the Western States with us; and many of those who remain, as they are not very desirous of gaining conquests over Spain, but only to preserve the limits and privileges, marked in the treaty, will do what they can, in order to avoid hostilities. The people permit themselves to be implicitly governed by one of the parties mentioned, so that, considering these circumstances, we may labour under no apprehensions on this account. But other more weighty reasons, oppose to their declaring themselves independent of the Eastern States. I will content myself with relating the principal one: Whilst they will be making a treaty with the government of Louisiana, what certainty will they have, that the cabinet of Madrid, is not making a treaty at the same time, very different from what they may have agreed to here? Experience has taught them, to their misfortune, that this is not a mere conjecture. Three motives alone, would be able to impel them to break the confederation with the other States, viz:

1st. War with the Republic of France.

2d. A prohibition to navigate the Mississippi, and to establish themselves in the dominions of the King.

3d. Their incapacity to pay in cash, their share of the common duties (28,000 dollars) or to see the government intent on recovering it by force.

These are the axes upon which their policy turns. It now remains for me to say something of the military forces of the United States. Their army amounts to near 3,000 men; they consist of four regiments of infantry, one double regiment of artillery, and two companies of cavalry. In each regiment there are eight companies; each company is composed of 65 men, including a captain, a lieutenant, and an ensign, but there is not one complete. It must be observed, that the two companies of cavalry, amount to 180 men, but there are only 60 mounted. Each regiment has a colonel, and two serjeant majors. The first regiment, commanded by Colonel Hamtramk, is at Fort Wayne, and the other forts towards Fort Washington; the second, commanded by Colonel Strong, is encamped at Detroit, Michillimackinac, Niagara, Presque Isle, Oswego, &c. the third, commanded by Colonel Gathers, fortifies the Forts of Massac, Barrancas, &c. one or two companies remaining in Georgia; the fourth, by Colonel Butler, is in Tennessee; the artillerymen are divided among the forts, although the greatest part does not go from Stoney Point, in the Eastern States; the ca-

valry is divided between Tennessee, Detroit and Fort Washington. With regard to their forts, as it is a subject of little importance to us, I do not wish to trouble your excellency, with a tedious description of them. There is a strict discipline observed in the army; the soldiers are almost all youths, from 16 to 26 years of age; they go through some military evolutions, with sufficient precision. With respect to the officers, from the lowest to the highest (excepting very few) they are deficient of those qualities which adorn a good soldier, except fierceness, and are overwhelmed in ignorance, and in the most base vices.

The influence of General Wilkinson in Kentucky, has become very limited; and in the army, by wishing to establish some innovations, lessens it from day to day. I hope, from what is said on the subject of my mission, that you will be convinced, that if it has not had a more happy issue, it ought not to be attributed, in any manner, to indiscretion, or other deficiency, on my part, since it is evident, that it sprung from a cause, which no human penetration could foresee, and no prudence prevent; and, if I have been deficient in the intelligence and capacity, which the discharge of my commission required, it will not be boldness in me to say, that the promptitude and zeal, silence and fidelity, which on more important occasions, I have manifested in the service of his majesty, have not been of any avail on the present. God preserve you many years.

THOMAS POWER.

Don Manuel Gayoso de Lemos.

No. LV.

NOLAN'S LETTER.—(See Appendix, No. II.)

No. LVI.

LETTER OF GILBERT LEONARD.—(See Appendix, No. XXIII.)

No. LVII.

LETTER FROM GENERAL WILKINSON TO MESSRS. CLARK & REES.

Lexington, (Ken.) May 20, 1790.

Gentlemen.—I lament that I should be obliged to address you at this late day, but the causes producing the delay, have been insuperable.

This will be handed to you by my agent, Mr. Philip Nolan, who carries with him, and will exhibit to you for final settlement, the account of the unfortunate adventure by the Speedwell, he being specially authorised by me for that purpose; amidst the embarrassments which result to me, from this fatal expedition, it is with pleasure I reflect, that whilst I am obliged to abide a dead loss on the sales, without remedy or consolation, you must feel yourselves indemnified by the advance you had upon the merchandise, originally furnished from your store, to the adventure, and for which you received cash. The proceeds of this adventure are invested in tobacco, at a very low price, which will, I hope, get to a good market. You will observe, that I have consigned this cargo to Mr. Nolan, and authorised him to act for me in the storage, inspection, &c. because the quantity now shipped will overrun the claims of the owners of the Speedwell, nearly two-thirds, and I have determined to make no discrimination in the cargo, for fear of accidents to the boats, which might be assigned to the account of the Speedwell, or lest I should subject myself to imputations of partiality to my private interest, and be charged with selecting the best tobacco. No difficulty can offer in the settlement, because, when the costs and charges, and the net profits of the whole cargo are ascertained, the proportion due to the owners of the Speedwell, can be readily established. This is the principle of settlement, which I have directed my agent to take for his guidance, and to which I shall invariably adhere.

I am sorry to inform you, that one of our flats, after being loaded with 40 hhds. sprung a-leak, and in spite of our endeavours, sunk; the tobacco is wet, but I believe we shall be able to save the greatest part of it, though it will involve the inevitable detention of this tobacco, until my next shipment, when it will go down on the same principles of the present cargo, of which it is indeed a part.

I have directed Mr. Nolan, to require the original vouchers, on which the accounts, rendered by you last year, are founded, many of them being absolutely necessary to my own indemnity, against the persons collaterally interested, or connected in them.

I have the honour to be,
Gentlemen,
Your most obedient servant,
JA. WILKINSON.

Messrs. Clark & Rees, Merchants, N. Orleans.

No. LVIII.

DEPOSITION OF ISAAC BRIGGS.

Shortly after I arrived in the Mississippi territory, as surveyor of the lands of the United States, in the autumn of the year 1803, William C. C. Claiborne, then Governor of the said territory, told me, that Daniel Clark had, some time before, made to him a proposition, to put himself (Claiborne) at the head of all the force he could raise, march to New Orleans, and take forcible possession of

that city. That one hundred thousand dollars would be at his, (Claiborne's) disposal, and that General Wilkinson, with all the power at his command, would co-operate in the enterprise; and that soon afterwards, Richard Reynold Keen, shewed him (Claiborne) a written, but anonymous paper, which he believed to be in the hand writing of General Wilkinson, and which contained an assurance, that the General would co-operate in such an enterprise. This information the said Governor Claiborne repeated, and Hose Browse Trist, since deceased, confirmed to Robert Williams, late Governor of the Mississippi territory, and myself, in the city of New Orleans, in the second month of the year 1804.

About the beginning of the tenth month, in the year 1806, at the town of Washington, in the Mississippi territory, I told General James Wilkinson, I had been informed, that he had received, previously to his leaving New Orleans, in 1804, from the officers of the Spanish government, about ten thousand dollars, of a late Mexican coinage, in Campeachy bags. He replied it was a fact; he had received about that sum, in the manner stated, and from the Spanish officers; but that it was due to him, on account of former mercantile contracts, with the Spanish government.

Having never taken any notes, or memorandums, the above statement is from memory.

ISAAC BRIGGS.

[Affirmed to, on the 13th day of April, 1810, before Daniel Rapine, justice of the peace for Washington County, D. C.]

No. LIX.

SECOND DEPOSITION OF ISAAC BRIGGS.

Question by the Committee, appointed to inquire into the conduct of Brigadier-general James Wilkinson.

Have you received, or become acquainted with any additional facts or circumstances, in relation to the subject matter of the present inquiry, since you gave a former deposition respecting it; or have you any thing additional or explanatory, to add to what you then testified?

Answer by the Deponent.

Strictly speaking, I must answer in the negative, to the whole of this question. I have neither received, nor become acquainted, with any additional facts or circumstances, in relation to the subject matter of the present inquiry, since I gave a former deposition respecting it. Nor have I any thing additional or explanatory to add, to the substance of what I stated orally, to the former committee, admitting, that some circumstances, which did not then, may now occur to my recollection.

When, in obedience to their command, I appeared before the former committee, I considered the whole of my narrative, then and there delivered, as

belonging to the denomination of hearsay testimony. At their request, I committed to writing, what has appeared with their report, and I considered myself bound by my then conceptions of the law of evidence, to give (in that deposition) a simple statement of facts, divested of all circumstances. Under my present belief, that what a person says concerning his own conduct, and the circumstances attending such sayings, are legitimate matter of evidence, whenever such conduct is called in question, I offer *in writing* (and perhaps more minutely detailed) to the present committee, the same narrative, in substance, which I communicated *orally* to the former committee, including my deposition on record.

With General James Wilkinson, my personal acquaintance commenced about the end of the year 1803, in the city of New Orleans, where I arrived a few days after William C. C. Claiborne, and the General, as commissioners, had received possession of that city, in the name of the United States of America. During my stay there at that time, (which I believe, was four or five weeks) I resided in the same house with General Wilkinson. I was several times with him in company with Laussatt, the French prefect, the Marquis de Casa Calvo, Morales, the former Intendant, and most of the Spanish officers of the first rank; and I had reason to believe that very few, if any, of his proceedings as a commissioner, were concealed from me. During a second visit I made to New Orleans, in company with Robert Williams, about a month after the first, I was for two or three weeks, frequently with General Wilkinson, on the same terms of intimacy as before. Yet, under all these circumstances, I saw nothing in his conduct, which appears to me upon recollection, at all calculated to inculpate him in any branch of the present inquiry.

During the summer, and the early part of autumn, in the year 1806, several newspapers, bearing the title of the Western World, edited in Kentucky, found their way to the Mississippi territory. They contained a series of essays, in which General Wilkinson, amongst others, was held up to suspicion, as a very intriguing and criminal character. I think he was charged with having been engaged in attempts, to sever the western country from its allegiance to the United States, and to throw it into the arms of Spain; and with holding a military commission, under the King of Spain, and receiving pay as a Spanish officer, or in compensation for other services. The matter contained in these essays, was the subject of a good deal of conversation in and about Natchez, and consequent rumours were in full blast, when General Wilkinson arrived from Upper Louisiana, in order, with the forces of the United States, to oppose certain encroachments by the Spanish military, on the western frontier of the territory of Orleans. Almost immediately after his arrival at Natchez, the General came to the town of Washington, (I believe about the beginning of the tenth month, 1806) as I understood, to confer with the executive of the Mississippi territory, the functions of which were then exercised by Cowles Mead, the secretary, in the absence of Governor Williams. I at that time, boarded in the same house, with Cowles Mead; and then and there, between General Wilkinson and myself, the conversation took place, of which, in the latter part of my former deposition, I stated the simple facts; I will now relate the manner and circumstances. The General met me with a very cheerful air, and after mutual salutations had passed, said, with great vivacity, "It must appear strange to you, friend Briggs, that I, a Spanish officer, am now on my way, to fight the Spaniards, should they not retire." He shewed me a rough draught

of a paper, he said, he meant to send to the commander in chief, of whatever force might oppose him, in which was strongly expressed, his desire, for a pacific adjustment of the matter in dispute, rather than one by the sword; yet, that one or the other, must be the issue. Falling in with the same strain of pleasantry, in which he had commenced, I said, "It does seem strange;" and turning suddenly upon him, "But, General, what about the Spanish money? I have heard that thou receivedst, previous to thy departure from New Orleans, in the spring of 1804, from Spanish officers, about 10,000 dollars, of a late Mexican coinage, in Campeachy bags." He answered, still with the same gay and easy air, "It is a fact, Sir, I did receive about that sum of a late Mexican coinage, in Campeachy bags, and from Spanish officers, and what then? It was due to me on account of former mercantile contracts."

Shortly after this conversation, General Wilkinson departed, and I saw him not again (except a few minutes in Natchez, when no particular conversation passed between us) until after his return from the western frontiers. During his absence, and for some time before, there were in the small circle of politicians, which came under my observation, many ambiguous whisperings and inuendoes, calculated to raise an idea, that some great enterprise might be expected, ere long, to burst forth, but leaving the mind to wander in perfect uncertainty as to its object, its precise magnitude, or the point of its commencement. Several persons were held up in a suspicious point of view as likely to be actors in the drama, amongst whom the name of Wilkinson always made a conspicuous figure.

About the middle of the eleventh month, 1806, I received a note from General Wilkinson, requesting an interview. I immediately waited on him, at the house of Major Stephen Minor, near Natchez; and considering all I had heard, I confess I approached him with caution. His wife lay at this time, in the same house, apparently at the point of death. The General met me in a mood, the reverse of that described in the former conversation: then, all was gaiety; now, every thing in his manner was, throughout, solemn, impressive and pregnant with alarm. He took me aside, and immediately put the question: "Can you go to the seat of government of the United States?" I answered, "I have not contemplated such a step at this time." He added, "our country is in a dreadful situation, a tremendous conspiracy has been formed, and collected in great force on the Ohio, and is just ready to descend the Mississippi. Col. Burr is at the head of this conspiracy: his object is to sever the western country from the United States, by the Alleghany mountains; to take immediate possession of New Orleans, revolutionise Mexico, and unite them all under one government." I then asked him, "how dost thou know these things?" He answered, "I have certain information." I still hesitated, and asked again, "General Wilkinson, may not all this be a deception?" His answer was very earnest, "Bless your soul! here is a letter in cypher from Colonel Burr; a cypher agreed upon between him and me eight years ago, (for a long and intimate friendship has existed between us, which has continued, until I have found his views to be dishonourable) and here is a letter from General Dayton:" (putting into my hands a letter in cypher, together with a paper, which he told me was a decyphered copy, a letter of introduction for one Swartwout, signed A. Burr, and a letter signed Jonathan Dayton; and allowing some minutes for examination, he continued) "It appears to me very important, that I should, without delay, send despatches to the government of the United States;

I have been casting about, and I cannot think of any one but yourself, to whom I am willing to confide what must be orally communicated. I fear the President has been surprised; he means no evil, and therefore suspects none. I fear that Colonel Burr has many associates, men of influence, and that he will be able to collect a very powerful force; for he is a man of consummate address, and both he and General Dayton, are capable of the 'ruse de guerre' in a high degree; and I fear that my force is much too small to give an effectual check to the torrent which is about to descend upon me: unless the government of the United States take some immediate step, I am apprehensive all is lost. I shall, however, as in my judgment, it will be the best defence I can make, concentrate all the force of which I can avail myself, at New Orleans; fortify the place, and consider myself as at the straits of Thermopylæ, where it appears to me very probable, I shall lay down my life for my country, either by the assassin's dagger, or the traitor's sword."

In the letter signed Jonathan Dayton, I think, were these remarkable expressions: "At the ensuing session of Congress, you will be disgraced. Mr. Jefferson is your friend, but he will not risk his popularity: he will give you up."

After the General had made this proposal to me, I took one night to consider; and on deliberately weighing all the communications that had been made to me, both written and oral, the manner and circumstances; and collating the essays of the Western World, the time of their promulgation, the obscure inuendoes in busy circulation, and the expressions in Dayton's letter, all my doubts were removed, and my mind filled with alarm. I could not resist the inference, that did Colonel Burr, aim to secure the co-operation of General Wilkinson, the use of such means, perfectly accorded with the opinion I had acquired, of the character of the former, to impose on the latter the conviction, on the one hand, that his reputation with his country was destroyed, beyond his power to redeem it; and, on the other hand, to hold up to his view such allurements, as were well calculated to fascinate his ambition. Under such impressions, I consented to go to the seat of government, believing it to be a dangerous as well as arduous expedition; the northern mail had failed for three successive weeks, and I feared some foul interruption had taken place in the usual channels of communication between us and the government.

During the two or three following days, I was mostly at Major Minor's, assisting General Wilkinson in copying papers for his despatches; when the General communicated to me the key to the cypher, between him and Burr, and in conversation with me, made the following remarks: That he saw by all that passed, his aid and co-operation were counted upon by Colonel Burr, and probably, by all his adherents; that however painful it was to his feelings to be the object of a suspicion like this, he should suffer himself to remain under it, as an excellent mask, for the purpose of developing the whole of the plot; that his making his quarters at the house of Major Minor, who still held a Spanish commission, would, no doubt, give force to the suspicion, that he himself, had an illicit connexion with that government; but, besides the accommodation of a sick wife, there were considerations, which greatly overbalanced the inconvenience of such a suspicion. He believed, that although Minor retained his commission through motives of interest, his heart was American, and his wishes and affections, truly on the side of the United States; and that he knew of no man in that country, who had an equal capacity to serve their cause in the impending crisis, as he had a general and accurate knowledge of the people,

and could, with a discriminating judgment, point out those who might be depended upon, and those who could be useful. In which sentiments I accorded.

I heard General Wilkinson say, that considering the force which, from every information, was about to descend the river, (I think about twelve thousand men) and under such leaders, he did not believe it possible to defend any point short of New Orleans, and the practicability of that very doubtful; that he had applied to Cowles Mead, acting as Governor of the Mississippi territory, for an auxiliary force of militia; and that Mead had demanded his motives, but that he had not sufficient confidence in his discretion, to disclose them to him.

Previous to my departure for Washington city, which was on the 18th of the eleventh month, 1806, General Wilkinson requested me to name to the President, General Dayton, Commodore Truxtun, and perhaps some others, whose names I do not now recollect, reported to him as associates with Burr.

After a most arduous journey, in the midst of a severe winter, of more than 1200 miles, 600 of it through wilderness, on the first day of the year, 1807, I arrived in Washington city, and waited on the President with my despatches: immediately on his opening them, he exclaimed with earnestness, "is Wilkinson sound in this business?" I replied very promptly, "there is not the smallest doubt of it."

In making out this deposition, I have not had the aid of any document or written memorandum whatever, but I have taxed my recollection to the utmost. Where I have stated conversations in the form of dialogue, I am not sure that I have stated the precise words originally used; but I believe, I have represented correctly, both the substance and manner.

ISAAC BRIGGS.

Washington City, 1st mo. 6, 1811.

Questions by General Wilkinson, in presence of the Committee.

1. Had not several mails failed, at the time you met General Wilkinson, at Major Minor's? and was not your route by Tombigbee, taken to avoid any danger of interruption by the Nashville route, from Colonel Burr, or his associates?

2. The better to secure the arrival of the despatches sent by you, did not General Wilkinson agree to employ a confidential man to accompany you?

3. Did not you form a cypher with General Wilkinson, for your safe communication, after you left him?

4. Did not you use the said cypher, to communicate with General Wilkinson, and by desire of the President of the United States?

5. Is the cyphered letter, now presented you, in your hand writing, and was it intended for General Wilkinson, and handed to President Jefferson, to be sent to him; and are not the words, "the Clitus," in ordinary script, in the hand writing of the President? Where is the key to this cypher?

6. Do you believe the writing now laid before you, is a fair and substantial interpretation of the cyphered letter, above referred to?

7. You have said, that in the conversation with General Wilkinson at Washington, (Miss. Ter.) in the tenth month, 1806, when interrogating him about receiving a sum in dollars from the Spaniards, he answered you with a gay and easy air? Did it appear to you, that he spoke rather jocularly and precipitately, or with deliberate reflection?

8. Are you certain, that you have stated the express words, employed by General Wilkinson?

Answers by the Deponent.

1. An answer to the first part of this question, will be found in the foregoing deposition. To the latter part, I answer also in the affirmative.

2. He did.

3. I did.

4. I did.

5. Yes; and I believe the words, "the Clitus," to be in Thomas Jefferson's hand writing. I put the key into his hands, and have not seen it since.

6. I believe the following, to be an exact interpretation:

Washington City, Jan. 10, 1807.

My dear Friend.—The President directs me to say to thee, "three days ago a pilot boat, sent by the conspirators, left New York for New Orleans. You must catch her and examine all the papers she may contain, or those who have gone in her, may have in possession."

ISAAC BRIGGS.

General Wilkinson.

7. It appeared to me, that he spoke jocularly and precipitately, and his manner appeared to be the reverse of deliberate and reflective.

8. I am not.

ISAAC BRIGGS.

Washington City, 1st mo. 1, 1811.

[Affirmed to, before E. Bacon, Chairman of a Committee, appointed to inquire into the conduct of Brigadier-general James Wilkinson.]

No. LX.

GENERAL WILKINSON TO THE SECRETARY OF WAR.

Natchez, Sept. 8, 1806.

Sir.—I arrived at this place last evening at six o'clock, and addressed a note to the secretary of the territory, (Governor Williams being absent) of which you have a copy under cover, with his answer. This morning I waited on him, and have seen the plan adopted by Governor Claiborne and himself: the first article of which, appears to be in direct opposition to your order, respecting the removal of the Spaniards from Bayou Pierre, to which place, I understand, they have fallen back, from the vicinity of the Adies; and, I hope, they may continue there, until my arrival at Natchitoches, for which I shall commence my journey, the moment after I have arranged with the secretary of the territory, for such auxiliary force of the militia, as may eventually become necessary, from his jurisdiction. Governor Claiborne has, I understand, arrayed the militia in the western counties of the territory of Orleans; but, I shall discourage their march, until I have penetrated the designs of the Spaniard, and may find him deaf to the solemn appeal, which I shall make to his understanding, his interests, and duty. Let the President be assured, Sir, I shall drain the cup of con-

ciliation to maintain the peace of our country, and that the sword shall not be drawn but in the last extremity, after reason and remonstrance have failed to preserve inviolate, our territory east of the Sabine. But, at the same time, that an awful responsibility restrains the inclinations and ambition of the soldier, to this temperate course of conduct, in opposition to the ardour, which I think I discern in the executive officers of these territories. I will pledge my life to him, that no act shall be suffered within my knowledge, to tarnish the national honour, or affect the lustre of his administration.

If the strong precautions, embraced by my instructions to Colonel Cushing, of which I transmitted you a copy from St. Louis, have prevented the effusion of blood, I must believe I have done some good to the state, because the retrogression of the Spaniards has rendered the ultimate resort unnecessary, at least for the present; and as nothing can be lost, and every thing may be gained by a little delay, it seems better the opportunity for commencing hostilities should have escaped, than that it should have been seized on "to let slip the dogs of war," before the effect of conciliatory measures had been duly tested.

The retrogade of the Spaniards is not accounted for, but may be ascribed to three causes: the unhealthiness of the troops; the want of forage for the immense cavalcade with which they are encumbered; or the failure of provisions. But as they would scarcely have made so formidable, and bold, an advance in the face of the prohibition uttered by Major Porter, without positive orders from the competent authority, it is reasonable to presume, when the cause of their retrogression has been removed, they may resume their former position, for which event, some preparatory arrangements must be commenced.

The Spaniards who have approached Natchitoches being all mounted, and without artillery, and each private being obliged to keep up four horses and a mule for service, out of his pay of one hundred dollars per month, it will be impossible for them to maintain a fortification; but the same circumstances will enable them to refuse, or give battle to our infantry, at their discretion. To remedy this disadvantage, and enable me, should I be forced to appeal to arms, to drive them effectually beyond the Sabine, or to cut them up, I shall endeavour to procure about four or five hundred dragoons, and mounted militia, from the two territories, unless I should find them so incautious as to enable me, by a forced march of the established troops, to surprise their camp under cover of the night; but this is scarcely to be expected, if the commanding officer possesses a single spark of military knowledge or experience.

A blow once struck, it would appear expedient, that we should make every advantage of it, and if men and means are furnished, I will soon plant our standard on the left bank of Grand River. In the mean time, the reduction of Nacogdoches and Baton Rouge, would secure the free navigation of the Mississippi, and drive the enemy back on the side of Mexico, 400 miles, to San Antonio; and should hostilities take place, and I find the occupancy of these posts necessary to counteract the hostile acts, or intentions of the enemy, I shall, agreeably to your instructions, take possession of them.

But I must beg leave to remark to you, that for distant operations, or the protection of our western frontier, against the predatory incursions of the Spanish cavalry, a body of mounted men is absolutely indispensible.

After all, I have more apprehensions from the want of camp equipage and provisions, than from an enemy; yet I cannot speak with precision to those points, as I am unacquainted with the stock on hand. Should our negotiations

with Spain eventuate without effect, or take a menacing aspect, the government should determine on offensive measures in this quarter. Cavalry, arms, and equipments, knapsacks, havresacks, linen frocks, tents, and camp furniture of every species, with infantry, arms and accoutrements, should be forwarded on without a moment's delay, and I should be authorised to mount as many men, as the service may require.

I find strong delusions (real or artificial) prevailing here, with respect to the safety of these territories, against the Chactaw Indians, against an attack of the Spaniards from Pensacola, and an insurrection of the French in the territory of Orleans. The Indians have been so frequently deceived by the Spaniards, and stand so much in awe of the United States, that they will not take up the hatchet in favour of those or against these, and I apprehend nothing from the discontents of the French, before they have satisfactory assurances (and appearances too) of substantial European support, because the poor have nothing to hazard for, and the rich have too much to lose, and stand in too much terror of their slaves to leave their families. With respect to the Spaniards, I have received the following detail, this day, from a confidential friend:

At the town of Pensacola; the fort on Rose Island; and the Barancas, at the mouth of the harbour, 450 men: at Mobile, 200 men: and at Baton Rouge, 50 men. Pensacola being the grand depot of what is called West Florida, with its small garrison divided into three detachments, for the protection of the town, and the guard of the harbour's mouth, 12 miles distant, not a man can be spared from it. Mobile menaced, and liable to be attacked and carried by our regular troops and militia in that quarter, is already too weak; and with respect to Baton Rouge, the works are tumbling to pieces, and it is surrounded by a disaffected American population, which could overwhelm the feeble garrison (a mere locum tenens) whenever required so to do by our government.

But by way of precaution, I shall immediately transmit orders to New Orleans, for four of our gallies to be stationed in lake Pontchartrain, the strait of the Regolets, against any approach towards the city by that communication; and our batteries at Placquemine, will secure the pass of the river. I shall increase the detachment at Point Coupeé, to seventy-five men, to be held in readiness, to take Governor Grandpre and his garrison, at a moment's warning; and I shall send orders to the commanding officer on the Tombigbee, to be prepared with his regular force and 200 militia, to invest Mobile, and carry it if practicable, so soon as he shall receive orders to that effect, whilst a party of militia from the same quarter, will be ordered to make a feint on Pensacola, to put them in fear, and prevent any succour being sent to the former place; and should I find myself obliged to attack the Mexicans, the moment I have taken my resolution, orders will be sent to these points, for prompt co-operation.

Thus, Sir, I give you the general outline of the plan I mean to adopt, should I be coerced to it by the conduct of our neighbours; but, in the mean time, positive orders will be issued to the regular military, to prevent any encroachment, menace or outrage, on their part; and I shall press upon the executives of these territories, the necessity for similar observances, on the part of our citizens. The inclosed copy of a correspondence between our officer on the Tombigbee, and the Spanish commandant of Mobile, seems to render the latter precaution indispensible.

You have, under cover, an abstract of our whole regular force in this quarter, for the defence of the Mobile, the Mississippi, and our western frontier; from

which deduct one fourth for detachment, casualties, incapacity and disease, and you will have a fair view of our operative force.

I have no letter from you at this place, or from Colonel Cushing, but I expect to find communications at Fort Adams, from whence I shall again write you I propose to debark at the mouth of Red River, and to make my way through the swamps, to the first settlements in the route to Natchitoches, from whence I shall find a path.

I have the honour to be,
With perfect respect,
Sir,
Your obedient servant,
JA. WILKINSON.

The Hon. Gen. Dearborn, Secretary of War.

No. LXI.

General Wilkinson's Letters, dated 30th May and 10th June, 1806, to the Secretary of War, and the Secretary of War's answer, dated 18th June, 1806.

[These documents have been lost, or are so confounded with a mass of papers, the accumulation of more than forty years, that they cannot be found.—They would have explained and attested the real, as well as the ostensible, motives, of Captain Shaumburgh's visit to New Orleans; and also the circumstance of Thomas Power's engagement, to make the transcript, of the records of the Land Office, which had been carried away, from the district of Natchez.]

No. LXII.

LETTER OF DON ANDRES ARMESTO.

[Applied for to Office, but not procured.]

No. LXIII.

POWER'S LETTER.—(See Appendix, No. IV.)

No. LXIV.

LETTER FROM A. BURR, TO GENERAL WILKINSON.

Balletown, October 10th, 1800.

That through Biddle, and the other of 29th, came safe to me at Albany yesterday, P. M. just as I was mounting my horse to ride hither for my daughter, who has been passing a few days with a friend in this neighbourhood, while I was attending on public duties at Albany. Having made electors and a senator, all democratic, the legislature adjourned to meet on the last Tuesday of January, when I shall be again in Albany. To-morrow I move toward New York, and shall remain there for at least two months; from all this you will know how to address me; and as to the mode of conveyance, I take the mail to be the most secure. Our post offices in New York, and in Albany, are *perfectly* safe. If yours in Washington, or where else you may be, should be safe, you may write fully.

My curiosity as to S. is indeed gratified, even to satiety. I wish her well, and something more. I regret the book for the injury it will do (has done) to the reputation of one honest man, and the feelings of another. John's pride will be much wounded.

In Jersey, I suspect Adams will not have a vote. Among the electors I see some of his *known* political enemies, not democrats, but high going feds. Virginia is pledged as far forth as faith and honour can bind men. You must be deceived as to S. C.

When I receive your cypher and your address, you shall hear from me: till then adieu. A. BURR.

Noah Webster, the printer, has, I am told, published a letter against A. H. I have not seen it.

No. LXV.

DEPOSITION OF CAPTAIN J. B. WALBACH.

I had the honour to become acquainted with General James Wilkinson, some time in August, 1799; became attached to his military family in December, 1800—was appointed an aid-de-camp in the spring following, and continued in that capacity, until the last of November, 1804.

During the above period, I have witnessed, that General Wilkinson did employ cyphers of different kinds, in his correspondence, among them was an English pocket dictionary. Several of these cyphers, I have made myself; designed copies of them are still in my possession, and others I have recognised since my arrival at the city of Richmond—particularly one to the late General James Jackson, and another to the late Major-general Alexander Hamilton; a third to Mr. Hulings, then at New-Orleans; a fourth to Colonel Cushing; a fifth to Mr. Silas Dinsmore, and one to myself. Several of these were projected in

1802 and 1803, at the time the port of New Orleans was shut, and for the purpose of procuring and conveying intelligence to the government.

Question.—Did you ever observe in General Wilkinson, any act or disposition, which marked inattention to his duty, as to the zealous and faithful discharge of the trust reposed in him, as an officer of the United States?

Answer.—From my own observation and experience (being now nearly twenty-six years in military life) I can declare, that I have never known an officer more zealously devoted to the service in which he was engaged; and I can safely declare, that I never have seen an officer of General Wilkinson's rank, voluntarily expose himself to such privations, hardships and sufferings, in the course of his duty, as I have seen him meet with alacrity.

Question.—Do you know the hand writing of Captain C. Smith?

Answer.—I do.

Question.—Are these hieroglyphics of his writing?

Answer.—They are.

Question.—Are they the same which were employed by Colonel Burr, in his correspondence with General Wilkinson?

Answer.—They are the same which are employed in Colonel Burr's letters, shewn me, since my arrival at the city of Richmond, and said to be delivered by Messrs. Swartwout and Bollman, to General Wilkinson.

Question.—Do you recollect, when Captain C. Smith, left General Wilkinson and family?

Answer.—Some time in July, 1801.

Question.—Do you think General Wilkinson, afterwards saw, or was near him?

Answer.—I am certain not—because General Wilkinson did not return from the Mississippi, until May, 1804, and Captain Smith, resided in the State of Maryland, and died in the winter 1803 or 1804.

Question.—Have you seen General Wilkinson employ the pocket dictionary, now presented to you, in writing cypher?

Answer.—I have.

Question.—Will you say in what year?

Answer.—I am not positive as to the year, but it was during the period I was attached to his military family.

Question.—Did you hear a sentiment from General Wilkinson, calculated to disaffect the troops, or to abate their zeal for its promotion?

Answer.—No. On the contrary, I have witnessed, that General Wilkinson always used his utmost endeavours, to promote harmony, comfort and good order, among the troops, and by his precepts, as well as example, to ensure subordination and patriotism.

(Signed) J. B. WALBACH, *Captain Artillery.*

[Sworn to, on the 5th day of September, 1807, before me, Henry S. Shore, an alderman of the city of Richmond, Vir.]

Extract of a letter from Leonard Covington, to General Wilkinson, dated May 15, 1807.

* * *. You well know, how much has been said and insinuated, about the memorable cyphered letter, handed you by Swartwout, and of the means, by which

you unlocked the cypher; and, although this circumstance, has never been explained by yourself, or the administration, and has been seized upon by your enemies, as matter for crimination, and ground for suspicion, yet I have never been at a loss, in my own mind, for the satisfactory explanation. You may not, perhaps, recollect, that in the year 1794, when I left the Western Country (army), that you requested me to interchange with you a cypher, for the purpose of corresponding thereby; and, at the time, you informed me, you had practised that method, with many of your friends; this circumstance coming to my recollection, I have examined amongst my old papers, and found the cypher, which is at your service, if it, and the circumstances connected therewith, can, in any way, advantage you. Pray, snatch one moment, if possible, and let your friends here, know how you feel, and are situated, &c. &c. Your favours by Mr. J. Johnson, all came safely to hand, and have warmed the feelings of your friends, in this quarter. I pray God, to keep you in his holy protection, and that he may make thine enemies thy footstool. Farewel.

L. COVINGTON.

General James Wilkinson.

No. LXVI.

BURR'S LETTER TO GENERAL WILKINSON.

Philadelphia, April 5th, 1805.

Dear Sir.—Your letter of the 1st, was received yesterday about noon, and by midnight, with the aid of C. B. was nearly decyphered. Some words, however, have finally baffled our joint labours. *Why put such a tax on the pleasure of your correspondence?*

Gibbs is a fool, and you have wanted skill. I shall be at Pittsburgh before the 25th, and would wait for you, if any reliance could be placed on the punctuality of a man who travels with a family. Browne will obey any orders you may give him. Chs. Lauss, the surveyor, &c. will accompany him or me; not yet settled which. Could John Pintard, be of any *use to you?* Duane's exertions and arrangements, are so superior to those of his opponents, that chances seem to be in his favour. The appointment of La F.... te would be an act of the highest indiscretion as respects popularity.

Poor Prowell died yesterday. He appeared in usual health on my arrival in this city. The disposition of his immense fortune is not yet known; it is supposed, however, that Miss Keen has not been forgotten. Adieu.

A. BURR.

No. LXVII.

EXTRACT FROM CAPTAIN GEORGE PETER'S DEPOSITION.

Question by the Committee.

Do you know any thing in relation to General Wilkinson being an accomplice, or in any way concerned with Aaron Burr, in a project against the domi-

sions of the King of Spain, or to dismember these United States? or have you any information to communicate in relation to his conduct, other than that contained in your deposition of the 28th April, 1810?

Answer.—During the fall of 1804, and winter 1805, I recruited in the city of Washington: I frequently had occasion to visit General Wilkinson at his quarters, and by him I was introduced to Colonel Burr, and frequently afterwards, saw him at Wilkinson's. About the middle of April, I was ordered to march to Louisiana territory: the detachment having been joined by Captain M'Clellan, he took the command, and halted a few days at Smith's tavern, a few miles beyond Bedford, Pennsylvania, waiting detachments from Carlisle and Philadelphia. During our stay, Wilkinson arrived, and in conversation, enquired if Burr had passed us: he was informed, that he had passed a few days before. Wilkinson observed, that he wished to see him, and hoped, that he should arrive at Pittsburgh, before Burr left it. On the arrival of the troops at Pittsburgh, I think about the first of May, General Wilkinson, in conversation, mentioned, that he had been disappointed in seeing Colonel Burr. (It was during our stay at Pittsburgh, that General Wilkinson gave the order for the payment of private merchandise, as mentioned in my deposition, before the committee of last session.) So soon as boats were prepared, the General embarked with the troops. On our arrival at Cincinnati, the General immediately sent to enquire if John Smith was in town. I think he was not, and that General Wilkinson, sent an express to the country for him. The next morning, Smith and Jonathan Dayton arrived, and continued with Wilkinson, until we left Cincinnati. That evening, on our arrival at Louisville, falls of the Ohio, the General directed the boats with troops, &c. to proceed to Shipping's Port, Kentucky, while he put to at Clarksville, Indiana. In the evening, Sunday, Captain M'Clellan, and myself, crossed the river, for the purpose of urging the General, to suffer the boats with the troops, to fall down the river. During our stay at the General's boat, there were several gentlemen, amongst the number, a General Hovey. After the visitors had retired, the General, in fine spirits, said, that they should make fortunes: he was asked in what manner, and observed, that John Smith, Burr, Dayton, Hovey, himself, and others, were forming a company, for the purpose of cutting a canal on the Indiana shore. He mentioned, that he expected to have met with Governor Harrison, who was also to be interested. Captain M'Clellan, cautioned Wilkinson having any thing to do with Hovey, saying that he had known him in the state of New York, and that he would certainly take him in. The General observed, that Hovey was only to have the superintendence of the work, and that he would get but little money out of him. The next morning we embarked some provisions, and proceeded down the river. The day before we reached the mouth of Cumberland, the General despatched the Clinker boat to Eddyville, with a letter to Colonel Burr, saying, he expected to meet him at that place. During the night we had a violent storm; the flotilla separated, and all the boats but mine put to. About the dawn of day, just above Eddyville, I discovered the Clinker boat, and ordered the crew to come on board. They did so, and informed me, that Colonel Burr had not arrived. That day the boats collected, and proceeded for Fort Massac. I think a boat was sent from Fort Massac, to the mouth of Cumberland, for Colonel Burr; but, whether Colonel Burr arrived in his own, or the boat sent for him, I do not recollect. How long Burr remained at the garrison, I do not recollect, but I think not longer than two days, and embarked with the two Captain Bis-

sailed for Orleans, on board the boat Wilkinson descended the Ohio, and one belonging to the present Colonel Bissell. I have been informed by Lieutenant Swearingen, that Burr arrived at the Bluffs, where he commanded, on board of a new boat, and that sergeant Dunbaugh went up to the garrison to borrow tools or something to repair the boat, and that Captain Bissell, did not pass for several days afterwards. In the month of August, I was ordered on command to the Osage villages. On my return in November, the officers mentioned Colonel Burr's having been with the General at St. Louis, to Camp Belle Fontaine, to St. Charles, and other small villages, in that neighbourhood. * * * *

No. LXVIII.

COLONEL M. LYON'S DEPOSITION.

Questions proposed to the honourable Mr. Lyon, by General Wilkinson.

Have you any knowledge of Colonel Burr's intention to offer himself as a candidate to congress for the State of Tennessee, before you left this city in the spring, 1805; if so, will you be pleased to state the particulars?

Did not Colonel Burr cross the mountains that spring, descend the Ohio, and proceed to Nashville, in Tennessee, with the professed intention to canvass for the proposed election to congress, and did you not believe him sincere?

Did you see or converse with Colonel Burr, after he reached the western country, concerning his election to congress, from the State of Tennessee?

Did you not, in a letter to General Wilkinson, dated November 19. 1805, make allusion to the said election of Burr, in the following terms: "B ... lost the prospect in Tennessee, by not pursuing the road I pointed out for him?"

To the honourable committee of the House of Representatives of the United States.

The undersign d, in answering the questions, proposed by General Wilkinson, and handed him by the chairman of the committee, considers himself bound to explain the state of his acquaintance, with both General Wilkinson and Col. Burr.

With General Wilkinson, I have had acquaintance, since the retreat of the army from Ticonderoga, in 1777. His conduct during that memorable campaign, which ended with the capture of Burgoyne, and his army, endeared him to me: he seemed to be the life and soul of the head quarters of the army: he, in the capacity of Adjutant-general, governed at head quarters. He was a standing correction of the follies and irregularities, occasioned by the weakness and intemperance of the commanding general. This regard for General Wilkinson, followed him through the various stages of his public life.

I was, in the time of Adams's administration, distressed, for fear he was entangled with that party: from this anxiety, I was measurably relieved by the General's conduct on the change of the administration. In an interview at my house, in Kentucky, in the spring or summer, 1802 or 3, he explained and cle-

his conduct, on that point, to my satisfaction; of course, when I came
ese from Kentucky, in 1803, I was friendly disposed towards him, and
met, we did not fail to express our reciprocal affection. I was so
e General's friend, that on his appointment as Governor of Louisiana, I
nded him in my circular letter, of which I sent many copies to my
n that territory.

time in the winter, 1805, coming one morning from Alexandria, by way
ivy yard, and passing by the house where the General lived, he called
come in; after congratulating him on his appointment as Governor,
e other conversation, Colonel Burr's name was mentioned. Colonel
l no claim to friendly attentions from me. I had no acquaintance with
re the contest concerning the presidential election. I had resisted the
ons of my friends, who wished to introduce me to him in March, 1801,
nt of his misconduct in that affair; yet when I saw him persecuted for
onsidered no more than fair play among duellists, I advocated him:
ight about an acquaintance, by no means intimate. In the course of
ersation between the General and myself, we regretted the loss of so
ent as Colonel Burr possessed; we viewed him on the brink of a preci-
m which, in a few days, he must fall; from the second station in the
e must fall to that of a private citizen.

eneral entered warmly into his praise, and talked of a foreign embassy
This I assured him, could not be obtained. The General then asked
ould not think of something, which would do for the little counsellor?
, that he might very readily become a member of the congress, which
neet the coming winter, and in the present state of parties, considering
with which he was likely to leave the senate, he might very probably
er. The General was eager to know how he could be elected to con-
explained; let Colonel Burr mount his horse the fourth of March, and
ugh Virginia to Tennessee, giving out that he intends settling at Nash-
he practice of the law. Let him commence the practice, and fix him-
ne there; his rencounter with General Hamilton, will not injure him.
attend the courts in that district. Let him in July next, intimate to
he numerous friends (his pre-eminent talents and suavity of manners
made for him) that he would willingly serve the district in congress;
set the thing on foot, and he is sure to be elected; there is no consti-
ar in the way. As I finished this explanation, the General rose, and in
g extasy clapped his hands on my shoulders, exclaiming with an oath,
do, it is a heavenly thought, worthy of him who thought it. He rang
ordered his boots, and said he would go instantly to inform the little
r, and would call on me in the house in the course of two or three
e did so, and informed me he had, at Col. Burr's request, made an ap-
nt for me to call on him. I was punctual. Col. Burr lived at Mr. Whea-
r the north side of Pennsylvania avenue, not far from Rhodes's. It was
ening. I knocked, or pulled the bell, several times, before a servant
o informed me that Col. Burr was not to be seen, he was engaged
pany. I gave the servant my name, and directed him to go and tell
r, that I had called. Col. Burr came, and invited me up stairs, and re-
me to sit with Mrs. Wheaton half an hour, when he would be with me.
three quarters of an hour he came, and apologised for his delay. I ob-
him, that he had a large company, among whom I had recognised *the*

voices of Generals Wilkinson* and Dayton, although I had not heard of the latter gentleman's being in town; I hoped he had not hurried himself from them on account of seeing me; that I had been well entertained by Mr. and Mrs. Wheaton, and would have been so an hour or two longer, if he wished to remain with his company. Colonel Burr said the meeting was about some land concern, in the western country, and they had gone as far as they could with it at that time; my coming had been no interruption; he was very glad to see me, and soon commenced on the subject of the coming election in Tennessee. I repeated what I had said to General Wilkinson. He admitted the probability of success in the course I pointed out; but did not seem to be so much enamoured with the project as General Wilkinson. He said, he was obliged on the fourth of March, to go to Philadelphia, from thence he would go to Pittsburgh, and thence to the western country by water. I offered him a passage in my boat from Pittsburgh, if he should be there when I should have done my business on the Monongahela, and descended to Pittsburgh. I assured him, however, all chance of obtaining the election in Tennessee, would be jeopardised, if not lost, by such a delay. He told me he had ordered a boat prepared for him at Pittsburgh; and he talked as if his business at Philadelphia was indispensable, as well as his voyage down the Ohio. In stating this conversation, I give the substance of all the other conversations I had that winter, with Col. Burr at Washington, except that in some of them, the embassy was talked of. He observed that my friend Wilkinson, thought I would be a proper person, in a blunt way, to mention it to the President. He asked me, if I dared to tell the President that he ought to send Col. Burr, on the foreign embassy talked of? I told him very bluntly, I would not.

Colonel Burr arrived at Pittsburgh, the evening before I left that place. He assured me, General Wilkinson would be on in a day or two, and begged of me to wait their company. I gave him to understand, that my business would not admit of my waiting one moment for the company of any ceremonious gentleman. In all the journies of my long life, I had not waited half an hour for the company of any man.

By extraordinary exertions of his hands, (his boat being light, and mine being heavy loaded and frequently aground) Colonel Burr overtook me in about thirty-six hours after I left Pittsburgh, and we lashed together to Marietta: he stopped at Blennerhassett's. At the falls of Ohio, where I had considerable business, he overtook me; there I repeated to him that the delay he had made, had ruined his prospect of election, as that prospect depended solely on domestication At the falls, he changed his flat boat, for a small boat, which he ordered to Eddyville, (where I live) and rode to Nashville. The newspapers described his arrival and reception there, as one of the most magnificent parades that ever had been made at that place. They contained lists of toasts, and great dinners, given in honour of Colonel Burr; every body at and near Nashville, seemed to be contending for the honour of having best treated, or served Colonel Burr. This I had expected, and when Colonel Burr called on me, on his way from Nashville, to his boat, I inquired if any thing had been said about the election. He answered, not one word. I observed, that he ought to think no more of it. In answer he said, he had little doubt of being

* *General Wilkinson was then engaged with Burr and Dayton, on the subject of the Canal, proposed to be cut at the Rapids of the Ohio.*

elected a delegate from Orleans territory, but he would choose to be a member, and insisted, that I should write to a friend of mine (who had paid him the most marked attention) to see if the thing could be yet set on foot, and to inform him, he would be a resident in Tennessee. At the time of the election, he requested me to communicate the answer to him at Natchez. I complied with his wishes, the answer I received being unfavourable to him. About the same time, in answer to a letter received from General Wilkinson, I probably wrote the words, recited by the General in his question to me. What I had done for Colonel Burr, was almost wholly dictated by my friendship for the General. That letter of the General's, was preserved by accident, among a bundle of uninteresting papers, for four or five years; since then it has been here, and is now presented to the committee.

I have now answered all the questions presented me, except that couched in the words, "Did you not believe him sincere?" In answer to which I say, no doubt he would have been sincerely rejoiced to have been elected. There seemed too much mystery in his conduct. I suspected him to have other objects in view, to which I could not penetrate. These objects, I then believed, were known to General Wilkinson; but I had no idea at that time, of his having any treasonable project in his head.

I am, very respectfully, your obedient servant,

M. LYON.

[Affirmed to, on the 25th February, 1811, before E. Bacon, Chairman of a Committee, appointed to inquire into the conduct of Brigadier-general James Wilkinson.]

The following Letter accompanies the above Deposition.

[PRIVATE.]

Massac, June 14th, 1805.

Dear Sir.—An opportunity offering by Captain Bird, I embrace it to drop you a line of remembrance.

I have been here since the 4th instant, and should have sent for you, if I had expected so long a detention, as I wish your opinion on several subjects, inconvenient to letter.

The organizations and appointments of my predecessors, with the system of jurisprudence which has been introduced, may, I fear, subject me to some unpleasant and unprofitable alternatives. In general, it costs much more to undo than to do, but I believe it is always better to correct evils, than to submit to them.

I shall reach St. Louis, before the first of next month; shall confirm the past by proclamation, and will take time for observation and inquiry, before I make a step. From what I have seen and heard here, I find opinions of men and things, beyond the great river, depend so much on sympathies and antipathies, that I can place no confidence in what I do hear. Whom do you think best entitled to consideration, merits being equal, the voluntary or involuntary vassals of Spain? Will you come to see us, and when? I beg you to believe, a visit from you will give me pleasure. I shall be obliged to send back some boats for stores and provisions, and about twenty-two days hence, you may find a passage up from this place to St. Louis. Captain Lewis is mounting the Mississippi. He has sent back a large boat from his wintering ground, about 1600 miles up the Missouri, and by Indian report, was then about 900 miles from its

source, from whence I expect, he will return in the autumn. It is said, Meigs does not accept his appointment; in that case, Easton will be the only officer of the government with me. The commissioners of land claims, are Mr. Luc..s, (of congress) Mr. Penrose of Philadelphia, and a Mr. Donaldson of Baltimore, recorder; they and the secretary, are all behind. Colonel Burr left this the 10th. I have furloughed D. Bissell, agreeably to my promise to you; he goes by New Orleans.

Farewel, God bless you.

JAMES WILKINSON.

Honourable M. Lyon:

No. LXIX.

LETTERS FROM COLONEL BURR TO GENERAL WILKINSON.

Philadelphia, April 10th, 1805.

Your letter of the 8th is received this morning, and it has so far influenced my movements, that my departure from this place, is delayed until the 21st. I shall be at Pittsburgh before the 1st of May, but will wait there till that day, in the hope of seeing you. To wait longer, would mar my plans, and disappoint my companions. I have ordered a boat, but will sell it on the spot, if you can furnish me. There is, however, so much of uncertainty and contingence, in your march with a family, &c. that I dare not wholly rely on meeting you. Do not again, however, postpone the time of your departure.

I am always at New York, though not in person: things there, are going on well enough, and fast enough. G. does not understand all the complex mechanism of parties in that State. The printers you mention, could never have been mischievous, had they not received the countenance and support of government. God bless them all.

I have such a levee about me of visitors, from distant parts, that it is with difficulty I can find an hour, day or night, to write a letter, or attend to *private* concerns.

Dieu te benisse,

A. BURR.

Louisville, May 19th, 1805.

My dear Sir.—It is with extreme regret, that I leave the falls without seeing you; but boats from Pittsburgh, the 5th May, had not heard of your arrival: of course, you could not then have been there. Beside, report says, that you are to pass days at Cin.

Before you touch the Kentucky shore in this vicinity, see and converse with Joseph Davis, at Jeffersonville. Your friends are apprehensive that something is meditated of your personal convenience. Verb. sat. sap.

The letters which I had expected from you, may now be addressed to Orleans. I hope to see you at St. Louis, in the autumn.

God bless you. A. B.

No. LXX.

DEPOSITION OF CAPTAIN DANIEL HUGHES.

Interrogated by General Wilkinson.

Question 1st.—Were you at Massac, when General Wilkinson arrived there in 1805?

Answer.—I was.

Question 2d.—Do you recollect Colonel Burr's arrival, and how long did he remain at Massac?

Answer.—Colonel Burr reached Massac in the night, and left it the second day after. His stay might have been about thirty-six hours.

Question 3d.—Did General Wilkinson send a boat for Colonel Burr, to the mouth of Cumberland?

Answer.—No. I do not believe he did; Colonel Burr came down the river in his own flat, passed a boat in which I lodged, and was hailed by a sentinel, before he landed.

Question 4th.—Did General Wilkinson furnish Colonel Burr a crew, or barge, to descend the river, and what was his mode of transport?

Answer.—No. Colonel Burr embarked in a barge, the private property of Captain Bissell, manned by a crew, taken from a detachment, which had been ordered to reinforce the lower posts on the Mississippi.

Question 5th.—Do you recollect Col. Burr's arrival at St. Louis, in September, 1805?

Answer.—I heard of his arrival there about the middle of September, I think. I was then on duty at the cantonment.

Question 6th.—Were not Dr. and Mrs. Brown, the brother and sister-in-law of Colonel Burr, and did he not reside with them during his stay at St. Louis?

Answer.—I understood so.

Question 7th.—Do you recollect General Wilkinson, accompanying Colonel Burr, to the cantonment? and did not Colonel Burr proceed from thence to St. Charles, unaccompanied by the General?

Answer.—I saw Colonel Burr at the cantonment, in company with the General, and early in the afternoon of the same day, I saw Colonel Burr take leave of the General, and accompanied by a guide, proceeded for St. Charles. The General returned to St. Louis the same evening.

Question 8th.—Were you not with General Wilkinson soon after, or at the time Colonel Burr left St. Louis? and did you not, at his request, copy a letter to the hon. the secretary of the navy, relative to the said Burr?

Answer.—I was at the General's, some time after Colonel Burr left St. Louis, and remember to have copied a letter from him to the secretary of the navy, the hon. Robert Smith, relative to the said Burr.

Question 9th.—Be pleased to state such part of the contents of that letter as you recollect?

Answer.—The only part of it strongly impressed on my recollection, was in these words: "Burr is about something, but whether internal or external, I cannot discover. I think you should keep an eye to him," or words of such effect.

Question 10*th*.—Where was this letter copied, and by whom despatched to the post office, and at what time?

Answer.—I happened to be accidentally in the General's office, where I found him with a letter before him, which he had just written. He desired me to copy it, and I was about to take it to his clerk's office, when he desired me to sit down and copy it at his table, which I did. The original was then, to the best of my recollection, closed, and deliver d to serjeant Naw, who discharged the duties of clerk to the General, to be made up in a packet, and addressed to Mr. Hay, post-master at Cahokia, and delivered it to a confidential man to carry to that place. I think corporal Morgan Eddy, was repeatedly employed. It must be understood, that from some doubts of the integrity of the post-master at St. Louis, the General would not put his letters in that office, but always sent them across the river to Cahokia.

Question 11*th*.—When and where did you mention this circumstance to the General? and what appeared to be his impressions?

Answer.—In the time of Burr's conspiracy, I acted as aid-de-camp to General Wilkinson, in New Orleans, until March, 1807, when I was sent by him to arrest Lieutenant Jackson, at the Chickasaw Bluffs, who commanded the post at that place, and who, as the General had received advice, had entered into Colonel Burr's designs, and I did not see him again until the month of April, 1808. I never held conversation with him on the subject of the letter before-mentioned, until early or middle of September last. Though the paragraph which I have quoted, has been mentioned by me to other persons, particularly to James Birney, Esq. of Kentucky, in May or June last, as conclusive proof that General Wilkinson held no sinister connexion with Aaron Burr.

I had just arrived here from the interior provinces of Mexico, whither I had been sent by General Wilkinson, to reclaim a sergeant and men of Lieutenant Pike's party, improperly detained by the Spanish commandant-general; and talking with the General at the period before stated, about his affairs, I inquired, why he had never published the copy of his letter to the secretary of the navy, respecting Burr? The General appeared surprised at this observation, and said, he did not recollect he had ever shown it to me.

Question 12*th*.—Did you not copy a letter, transmitted by General Wilkinson to the hon. the secretary of the navy, from New Orleans, and have you a copy of it, and what was the date?

Answer.—The annexed is an extract from a copy, in my hand writing, which was done in New Orleans, before I left that place, in March, 1807, but I cannot give the precise date, and I do believe the original was forwarded, or it would hardly have been copied.

Question 13*th*.—Where is Eddyville, on the waters of the Ohio?

Answer.—It is forty-five miles up the Cumberland River, and on the east bank.

Question 14*th*.—Did you act with General Wilkinson, as his aid-de-camp, in opposing the Spaniards on the Sabine? and how long did you continue with him at New Orleans? and what was his conduct at those places?

Answer.—I did act as the aid-de-camp of General Wilkinson, in that campaign; that I considered his conduct as zealous, faithful, and able; and I am convinced in my conscience, that it was by his temper and address, the United States were saved from a war with the Spaniards, at the same time, that he as-

serted, beyond the measure of his orders, the honour and interests of the country.

Question 15th.—Did Colonel Burr reside with, or was he more in company with the General than elsewhere, whilst at Massac.

Answer.—Colonel Burr, during his short stay at Massac, lived in his own boat, which was near one I myself occupied; and appeared to me, when I visited him, to be very much occupied in writing, in company with a Mr. Shaw, who, I understood, accompanied him from New York.

Question 16th.—What do you believe to have been the General's daily and unavoidable expense, whilst opposing the conspiracy of Aaron Burr, at New Orleans?

Answer.—I attended to the expenses of the market, in General Wilkinson's family, and do believe his table must have cost 15 or 18 dollars per day. Such was the incessant crowd which flocked to his quarters day and night, from all parts of the country, whom he was obliged to entertain. The General, himself, seldom sat more than half an hour at dinner, such was the pressure of his duties.

Questions by the Committee.

Can you give to the committee any further information, in relation to the subject matter of the present inquiry, or either branch of it; if so, please to state?

Answer.—I have served seven years, under the immediate orders of General Wilkinson, and one year in his family; during which period, I have never observed, or known any part of his conduct, which was not for the good and interest of his country.

Are you certain, that the letter, addressed to the hon. Robert Smith, which was copied by you, was transmitted?

Answer.—The General held a considerable correspondence, and many letters were delivered weekly, to the clerk, to be enveloped by him, addressed to the post-master at Cahokia; and I have no doubt on my mind, that the letter alluded to, must have been among the rest, which were sent off in that week's packet.

DANIEL HUGHES, *Captain U. S. Reg. Infantry.*

[Sworn to, on the 20th January, 1811, before E. Bacon, Chairman of a Committee appointed to inquire into the conduct of Brigadier-general James Wilkinson.]

No. LXXI.

LETTER FROM GENERAL WILKINSON TO DANIEL CLARK.

General Wilkinson's introduction of Colonel Burr to Daniel Clark.

Massac, June 9th, 1805.

My dear Sir.—This will be delivered to you by Col. Burr, whose worth you know well how to estimate. If the persecutions of a great and honourable man,

can give title to generous attentions, he has claims to all your civilities, and all your services. You cannot oblige me more than by such conduct; and I pledge my life to you, it will not be misapplied. To him I refer you, for many things, improper to letter, and which he will not say to any other. I shall be at St. Louis in two weeks, and if you were there, we could open a mine, a commercial one, at least. Let me hear from you. Farewel. Do well, and believe me always your friend.

JA. WILKINSON.

Daniel Clark, Esq.

No. LXXII.

LETTER FROM DANIEL CLARK TO GENERAL WILKINSON,

Dated January 7th, 1808.

[Applied for to Office, but not procured.]

No. LXXIII.

LETTER FROM DANIEL CLARK TO GENERAL WILKINSON.

New Orleans, April 14th, 1806.

Dear Sir.—I wrote to you in the month of August, of last year, enclosing plots and titles of sundry tracts of land, I own in the Louisiana territory, and requesting you would be kind enough to have them registered, and approved, by the board of commissioners. I have not, since then, heard from you, and being uncertain whether the packet reached you, feel very uneasy on that account; be pleased to dissipate my fears, by giving me some information on the subject. I shall remain here during the summer, and your letters by post, will not fail to reach me. I have been, since I last wrote to you, in the *land of promise;* but what is more surprising, I have got safe from it, after having been represented to the Viceroy, as a person dangerous to the Spanish government, and who had visited that country, with no other view, than that *of acquiring information of its strength, and how and where it might be assailed with the greatest probability of success. I knew all this before undertaking the last voyage, but was fool hardy enough to attempt it.* I have made some money, and acquired more knowledge of the country, its productions, and resources, and made our country better known to them than they were before. There is, you know, *no harm in this interchange of useful information, and at a future period I shall communicate to you, all I have picked up during my stay there. Give me some news of what is passing in your country,* and how you are situated in it.

Your's most sincerely,

(Signed) DANIEL CLARK.

James Wilkinson, Esq.

No. LXXIV.

LETTER FROM GENERAL WILKINSON TO DANIEL CLARK.

St. Louis, March 5, 1806.

Dear Sir.—Not knowing whether you have returned from Mexico or not, I have forborne to address you, since the receipt of your land claims, and the tale of a tub of Burr, &c. &c. But by the bearer, Mr. Wilkinson, I think proper to advise you, that your claims have been all registered, though they have not been acted upon by the commissioners; yet I have collected from two of the board, that one only of them is indisputable, I think for 5,000 acres, and granted in your own name. The rest stand in need of explanations and testimony. I do not comprehend, as yet, the particulars, but you may rest assured of my attentions, and that nothing shall be left undone, to support your right. By the next conveyance you shall be more particularly informed, as I mean to bring forward those claims, in a few days, in order to ascertain the sentiments of the board. As I do not know whether this will find you in New Orleans or not, I must not enlarge, but will refer you to my nephew for the news of this territory, should he find you at home.

What think you of the purchase of the Floridas by the United States? Entre nous, I verily believe it is done. Something of *great importance* has been done in conclave, and that something is to perpetuate our peace with Spain. Again, entre nous, I write in haste,

And am, with much friendship, your's,

JA. WILKINSON.

D. Clark, Esq.

No. LXXV.

LETTER FROM DANIEL CLARK TO GENERAL WILKINSON.

New Orleans, June 16, 1806.

Dear Sir.—I have within these 3 or 4 weeks past, found it necessary, in order to oppose Governor Claiborne's creatures and schemes, with success, to accept the appointment of Delegate, from this country, to congress.

You well know the task I have undertaken; let me, therefore, beg your assistance, and write me confidentially, and as soon as possible, such things, as may serve the good cause. If you could possibly favour me with a copy of the commissioner's correspondence and transactions, at the period of the delivery of this country, with your remarks, it might be of great service; and I could, without letting the source be known, make a precious use of the information. At any rate, you have it in your power, to serve the people you preside over, essentially, by giving me such information, respecting the state of things with you, as I can make use of; and I request you will indulge me in this particular,

by giving me an idea of the country, its population generally, and that of the districts particularly, its commerce, agriculture, distance of one place from another, and such other particulars as you may think most necessary for me to know. If there is beside, any thing which can be undertaken, with a view to serve yourself, only hint it; you know my ardent disposition, and that I do not easily abandon what I undertake.

I would likewise thank you for your advice, respecting the part I ought to act in Washington; what people I should most see; what use can be made of them; how they are to be acted on, &c. and I count on your sending me a few letters, which will serve to introduce me to your friends, so as to procure me, on arrival, some acquaintances, who will take the trouble of giving me information.—Remember, that by serving the Territory of Orleans, you serve yourself, and perhaps *much more* than you can now well conceive.

Do not forget to mention to me, the state of the Land Office in your country, and the state of titles to lands, with the amendments you think necessary, and the land law; and a few words on the character and views of those employed in your country, and any conspicuous and meddling persons there, that I may make them, and their views, well known. I propose remaining here, till the middle of October, and shall then set out for the seat of government, via New York and Philadelphia. My nomination has been a severe shock to W. C. C. C. and his gang, they are much chop fallen, and all the first characters and best men here, have united against them.

If you have among your books and papers, any histories, maps or plans of your country, or this territory, let me beg of you to send them, and I promise you to take special care to have them returned in safety, after taking such extracts and copies, as may be necessary. In return, I shall shortly send you something interesting, respecting the countries I have lately visited.

Let me hear from you, I beg without delay, and let me know in what I can be of service to you.

Your's sincerely,

DANIEL CLARK.

Brigadier-general Wilkinson.

No. LXXVI.

LETTERS FROM DANIEL CLARK TO GENERAL WILKINSON.

Hcumas, October 2d, 1806.

Dear Sir.—I heard by Captain Turner, that you had got to the Rapids of Red River, and were to proceed next morning for Natchitoches. I long to learn your arrival there, and the result of your communication with Herrera, which I presume must be unsatisfactory, as he cannot in honour recede, after what has already passed, even were his orders discretionary. I therefore suppose hostilities must take place, and were the preparations and means in your power equal to the object, I should have no doubt but you would bring matters to an honourable issue for yourself and your country. I flatter myself, however, that

if your force is small, you will not expose your reputation, unless circumstances should be so favourable as to promise you victory.

Captain Turner informed me, that you expected I would see you in Natchitoches. On reflection, you must perceive the impossibility of realising such an idea, as I have not time sufficient to undertake the journey and return to Orleans, previous to the time requisite for embarking for the seat of government; and however strong the desire of seeing you is on my part, I must defer the pleasure till my return in the spring, or beginning of summer. Of this I had already advised you previous to leaving town, and for fear of accident, now mention it a second time, that you may not be disappointed by waiting to take my measures until you saw me.

Peace between England and France, was confidently expected; messengers were daily passing between them; the English funds had raised, and concurring advices from other quarters, give every reason to expect, that this great event may shortly take place. It may have a great effect on our politics, and I wish we may not be exposed to the vengeance of the three great maritime powers of Europe, by our conduct to each of them. You are, however, better able to calculate the effects to be feared or expected, than myself, and I shall refrain from further observations. I shall write to you from Orleans, previous to my departure, and will advise you from thence of any thing new in my absence. I sincerely wish you success, and that the means of insuring it, depended on yourself alone.

I remain, dear Sir, your's sincerely,

DANIEL CLARK.

Brigadier-general Wilkinson.

Washington, February 22d, 1807.

Dear Sir.—My former letters will have advised you of the sensation produced here, by the news from Orleans, and the arrival of Bollman, Swartwout, and Alexander. I always thought, and have not failed to mention it to your friends, that I looked upon their measures as ill timed and injudicious; and my comment on their effort to serve you, in suspending the habeas corpus act, must have proved to you, that I foresaw the consequences better than them. Adair and Ogden, have been discharged by Judge Nicholson, at Baltimore; Bollman and Swartwout, by the supreme court here; Alexander, by Judge Ducket, one of the circuit court; and all your friends are of opinion, that if you do not take care you will injure yourself. I now for the third,* and the last time, that I shall have the opportunity of addressing you from here, advise you to arrest and send on no one whatever, to this place. Let what will be the consequence, leave them to the law in Orleans; do your duty; defend your country, but do not restrain the due course of law. You are calumniated from all quarters; and believe me, if the sense of the people should be found hostile to your conduct, you will be abandoned by the administration. Ferdinand Claiborne, has written strange things to the delegate of the Mississippi territory, respecting you, and among other matters, mentions his belief, of your having received 10,000 dollars, at Orleans, of the Spaniards, when you went to take possession. I have pointed out the utter impossibility of such a thing, and I believe General Smith, to whom I have been at pains to give an opinion on that subject, will mea-

* *This was the only letter General Wilkinson received of the three.*

tion to you. My advice to you is to be prudent. I shall leave this city in a week, and will return home by Pittsburg. Write to me, directing your letters to be left at the post office, at the Falls of Ohio and Natchez, until called for. I have a great deal to communicate to you.

I remain, dear Sir, your's sincerely,

(Signed) DANIEL CLARK.

Brigadier-general Wilkinson.

No. LXXVII.

LETTER FROM GENERAL ADAIR TO GENERAL WILKINSON.

Extract of a letter from General John Adair, senator of the United States, from the State of Kentucky, to General Wilkinson, dated City of Washington, January 27, 1806.

"The mountain is still in labour, and I have no doubt, will literally verify the adage. The prevailing opinion here, is still on the side of peace. With Spain, we are told, all our differences are settled in the *usual way*. France will be our good friend, so soon as we obey, promptly, the mandate of General Turreau, and refuse to drink any more of Dessaline's coffee. We have only then to contend with Johnny Bull, and our friend Bonaparte is about settling that business; besides, the whole world must see that we are right, and that the British are wrong in their construction and interpretation of the law of nations. We have whole volumes wrote and published on our side of the question. The British do not write so much indeed, but they have one short argument on their side, which our jurists are not very well prepared to rebut. Three hundred and fifty armed ships have great weight to enlighten a judge of an admiralty court, and determine a question of right between nations.

"You observe to me, that I "have seen Colonel Burr, and ask me what was his business in the west?" Answer. Only to avoid a prosecution in New York Now, Sir, you will oblige me by answering a question in turn for I know you can. Pray how far is it, and what kind of way from St. Louis to Santa Fe, and from thence to Mexico?

"I was informed a few days past, and I believe the information to be correct, that both the ruling parties in New York, have made proposals to Colonel Burr, offering to pass a law pardoning all past, and to elect him Governor, if he will return. He left this a few days past for the south, and will return before the session closes. Whether he will accede to their proposals or not, I am unable to say."

No. LXXVIII.

TESTIMONY OF CAPTAIN DANIEL HUGHES.

Captain Daniel Hughes, being examined by General Wilkinson, as to the general reputation of Major Seth Hunt, for candour and veracity, deposeth as follows, viz.

I never had a personal acquaintance with Major Hunt. Upon my return to St. Louis, in the fall of 1805, the impression made upon my mind, by the conversations I had heard in various circles, was, that he was destitute of principle, honour and integrity;—heard this from several of the citizens of the place, as well as officers.

(Questions by the Judge Advocate.)

Question.—Did not party disputes at that time, run very high between the party of the then Governor on the one side, and certain civil officers and inhabitants on the other?

Answer.—It was my impression, that there were very warm party disputes, produced by the opposition to the Governor.

Question.—In the circles frequented by you at St. Louis, did you not hear all those in opposition to the Governor, especially the more prominent among them, generally reviled with the most derogatory imputations?

Answer.—I cannot say that; Mr. Hunt was one among a few others, who seemed to be more particularly the subject of their comments.

Question.—Was Mr. Hunt a prominent character, in the opposition to the Governor's administration?

Answer.—I was under the impression, that he was a prominent character in opposition to the Governor.

Question.—Were the circles in which you heard the derogatory imputations against Mr. Hunt, composed of those who were of the Governor's party?

Answer.—I thought them friendly to the Governor.

Question by General Wilkinson.

Were the circles in which you heard Mr. Hunt spoken of, in the manner you have stated, composed of the great body of the respectable citizens of the place?

Answer.—They were of the circle of my acquaintance at St. Louis, and from the impression made on my mind, I was disposed to think them the greater body of the citizens, and the most respectable, that is, of the town.

No. LXXIX.

LIEUTENANT WHITLOCK'S DEPOSITION.

I, Ambrose Whitlock, Lieutenant in the army of the United States, do solemnly swear, that I ascended the River Mississippi, with General Wilkinson, in the summer of 1805, when he went to take possession of the government of Louisiana. I was at that time, pay-master to the troops stationed at St. Louis, and had on board of my boat, a sum of money, for the purpose of making payment to those troops. When we arrived within about twenty miles of St. Louis, I informed the General, that the provision for my crew was exhausted, and requested his permission to go on to St. Louis, as quick as possible, for a supply

my boat being much lighter than his, and capable of ascending the stream with more rapidity. The General consented, and desired that I would acquaint Major Bruff of his approach; and added, that it was possible the Major might accompany me on the next morning, to meet him; but I am persuaded, that the General did not tell me to inform the Major, that he had any particular business with him, and I took the message only to be intended to prepare the Major, who commanded at St. Louis, for the customary honours to the commander in chief. The day after, which I think was the 2d or 3d of July, having drawn provisions for my men and deposited my money, I returned to meet the General, accompanied by Major Bruff. About seven miles from St. Louis, we discovered the General's boat on shore, and put to. The General had just breakfasted, and was on the point of putting off, which our arrival did not, I am confident, delay more than fifteen minutes. The boats lay under a high bank, and if any private conversation really took place, between the General and Major Bruff, it must have been on the open beach; but I am persuaded, from the short time that we remained on shore, that there was no such conversation held. We ascended the river but a short distance, when we discovered the St. Louis dragoons on shore. The General landed, and as soon as he was introduced to some of the gentlemen, he mounted his horse, and instantly proceeded to St. Louis.

A. WHITLOCK.

[Sworn to, on the 13th day of January, 1808, before George Wallace, jun. justice of the peace, for Knox County, Indiana Ter.]

No. LXXX.

DEPOSITION OF COLONEL JOHN M'KEE.

Questions by the Committee.

Question 1.—Have you any information to communicate to the committee, material to the subject matter of this inquiry, or either branch of it, in addition to what you have before stated, before the circuit court at Richmond; or have you any thing to add explanatory thereof?

Answer.—In addition to the statement I then made, of the contents of a letter from General Wilkinson to me, and which I have since seen, I have to add, that the proposition to follow his fortunes in a crusade to Mexico, was prefaced by his opinion, that a war with Spain was inevitable, and some of those gay expressions, that frequently characterise his correspondence with his friends, and concludes with a monition, to think much, and say little.

Question 2.—Have you that letter now in your possession; if not, where is it?

Answer.—The letter is at Natchez, in the Mississippi territory.

JOHN M'KEE.

[Sworn to, on the 22d January, 1811, before E. Bacon, Chairman of a committee, appointed to inquire into the conduct of Brigadier-general James Wilkinson.]

No. LXXXI.

LETTER FROM COLONEL M'KEE TO GENERAL WILKINSON.

Hanston, February 16, 1807.

Dear General.—I received at Natchez, your favour of the 8th instant: and nothing could have given me more pleasure; for the strange distant reserve, of some of my friends in this quarter, and an observation from Dr. Carmichael, that my note from the Bluffs, had excited some suspicions of me, in a bosom that shall never be justified in harbouring any, had mortified me sorely. Read that note again, and if it does not speak the language of a heart that loves you, I must have been very unfortunate in expressing myself.

I never was a *Burrite*, nor can I give myself up to schemes of lawless plunder. 'Tis certain, that in my present situation, I might have engaged in any honourable enterprise, however hazardous—but the late one, such as it has been represented, is such as, I hope, no friend of mine, will ever suspect me of favouring.

I have not the means, and if I had, I have not, at this moment, the time, to give you much information, on the state of things in this country.

May your purse keep pace with your heart, and may you live a thousand years.

Your affectionate friend,

JOHN M'KEE.

No. LXXXII.

LETTER FROM COLONEL BURR TO GENERAL WILKINSON.

Vincennes, September 26, 1805.

I have had no conversation on the subject you mentioned, (though I suspect you wrote of it) but we have gone round about it, and there is every evidence of good will, in which I have entire belief. There is probably, some secret embarrassment of which you and I are ignorant.

Gov. H. asked me if you had appointed an attorney-general: I told him no. I never take any sort of liberty with any man's secrets but my own. By the bye, your attorney-general is stark mad—take the following extract from a recent letter: "C. and D. (naming two highly respectable characters) may do such things, but they are beneath the dignity of × + +." The letter is such an one as might be expected from Bonaparte to the emperor of all the Russias. These are thy doings.

Gov. H. with whom I am more and more pleased, will tell you of a letter I have received from Dayton. This H. is fit for other things.

God bless you and grant you a safe deliverance from factious and factious men.

A. B.

No. LXXXIII.

LETTER FROM COLONEL BURR TO GENERAL WILKINSON.

Copy, as decyphered, of a letter from Colonel Burr to General Wilkinson: those parts in italic are, in the original, written in common script.

[*Add as agreed.* Count lines, not words.]

The execution of our project is postponed till December: want of water in Ohio, rendered movement impracticable: other reasons rendered delay expedient. The association is enlarged, and comprises all that Wilkinson could wish. Confidence limited to a few.

Though this delay is irksome, it will enable us to move with more certainty and dignity.

Burr will be throughout the United States this summer. Administration is damned, which Randolph aids.

Burr wrote you a long letter last December, replying to a *short one deemed very silly. Nothing has been heard from* Brigadier since October. Is Cusion et Portes right? Address, Burr at Washington.

April 16, 1806.

No. LXXXIV.

LETTER FROM COLONEL BURR TO GENERAL WILKINSON.

Copy of a decyphered letter from Colonel Burr to General Wilkinson: those parts in italic are, in the original, written in common script.

About the last of October *our* cabinet *was seriously disposed for* war *with the* Spaniards; *but more recent accounts of the increasing and alarming* aggressions *and* annoyance *of the* British, *and some courteous words from the* French, *have banished every such intention. In case of such* warfare, Lee *would have been* commander in chief: *truth I assure you: he must you know come from* Virginia. *The utmost now intended is that sort of* marine piracy *which we had with the* French *under the* former administration.

Burr *passed a* week *at* Washington, *and had been* here *ten days.* Reception *as usual.* He had discovered *nothing which exsites* doubts *of the* confirmation of Wilkinson's appointment. Secretary of navy apprehended no difficulty. Military establishment *will not* increase *nor* diminish.

On the subject of a certain speculation, *it is not deemed material to write till the whole can be communicated. The circumstance referred to in a* letter *from* Ohio *remains in* suspense: *the* auspices, *however, are* favourable, *and it is believed that* Wilkinson *will give* audience to a delegation *composed of* Adair *and* Dayton *in* February. *Can* 25.... *be had in* your vicinity to move *at some few* hours notification?

Philadelphia, Dec. 12.

No. LXXXV.

DEPOSITION OF DR. CARMICHAEL.

Personally appeared before me, B. Cenas, one of the justices of the peace, in and for the county of Orleans, Dr. John F. Carmichael, who on his solemn oath declares, that on the evening of the 11th of January instant, Mr. Ralston and Mr. Floyd, the son of Captain Floyd, of Louisville, Kentucky, called at the house of this deponent, spent the evening and breakfasted with him the next day: that the conversation, during the evening and morning, generally related to the various opinions in circulation respecting Colonel Burr and the situation of this country: That after breakfast Mr. Ralston opened his business with this deponent, stating that he had descended the Mississippi as far as New Madrid, in company with Colonel Burr, where he left him: That General Adair had gone to New Orleans by a circuitous route, and that his intention was to communicate with General Wilkinson, and to return so as to meet them at my house about that time if possible: That it was an object with them to ascertain the exact situation of the fort at Baton Rouge, the state of the works, the number of men, its weak situation; and that Fort Adams was of some consequence; what United States troops were there, and who commanded them; where the gun boats were, and who individually commanded them: who was the commanding officer of marines, &c. All these questions were answered by this deponent as far as he had been acquainted with them. The said Ralston and Floyd proposed to this deponent to visit Baton Rouge to ascertain the exact situation of that fort; but declined when the orders of Colonel Grandpré were stated, and the difficulty attending such an enterprise. Mr. Ralston informed me that Colonel Burr was to be, on the 12th day of January instant, at Bayou Pierre, where he was to wait for his reinforcement, and to receive his informations from his agents, who were circulated through the country in that time. That the first object of Colonel Burr was to take Baton Rouge, where he was to raise his standard, and to make his communication to the government of the United States; where he was to be joined by a number of men already engaged, to the amount of ten thousand men, if necessary: That the number of men at present with Colonel Burr, did not exceed one hundred and fifty, but Colonel Burr's arrangements were so made, that the men already engaged in Kentucky and Tennessee, should join without show, so that no possible alarm or suspicion on the part of the general government might take place before he had left the government, and taken possession of Baton Rouge. Mr. Ralston further stated to this deponent, that it was not the intention of Colonel Burr to promote and make a separation of the union, but to act against the Spanish government, and stated the intended expedition against Mexico. When this deponent mentioned the name of Captain Shaw, Mr. Ralston observed, that if he was one of the Mediterranean officers he was friendly to their measures: That it was well understood that a large proportion of the officers of the army and Mediterranean officers were already engaged in their interests. Mr. Ralston expressed great surprise at the conduct of General Wilkinson in arresting certain characters, Swartwout, Ogden, Bollman and Alexander, and repeatedly asked this deponent what he thought of the conduct of General Wilkinson, and whether he believed he had deserted the interests of the party; or was it only to

cover his greater objects? This deponent further declares, that Mr. Ralston and Mr. Floyd visited Fort Adams on the evening of the 12th of January instant, between sun set and dark, and walked round the said fort.

(Signed) JOHN F. CARMICHAEL.

[Sworn to on the 18th day of January, 1807, before B. Cenas, a justice of the peace.]

No. LXXXVI.

LETTER FROM COLONEL BURR TO GENERAL WILKINSON.

Philadelphia, January 6, 1806.

At the President's table, on my way hither in November, some one asked me the condition of the new road from the Bayou Pierre to Nashville. I replied, as was the truth, that I had seen no trace of a road till after passing the Chickasaw village. That from the military station near the Tennessee to Nashville a road had been opened, but was overgrown with bushes and little used, and that the road laid down on Bradley's map existed no where else. All which I presumed was well known.

One, professing to be your friend, whispered to me soon afterwards that this conversation was calculated to do you injury: in what way he did not explain, nor did I inquire. But on the following day I went to the President's and to Dearborn, and learnt from them both, separately, that there was nothing new in the information, and I could not perceive that any inference unfriendly to you was drawn from the fact, however obtained. If you have ever made any report on the subject, or are otherwise implicated, I was, and still am ignorant of it; and should not have thought the circumstance worthy of notice, if it were not for the apprehension that some malevolent rascal might make bad use of it. Such a one I know.

Your letter of November, which came, I believe, through I. Smith, has been received and *answered*. Your friend suspects, without reason, the person named in his letter to you. I love the society of that person, but surely I could never be guilty of the folly of confiding to one of his levity, any thing which I wished not to be repeated. Pray do not disturb yourself with such nonsense.

You will know, long before this can reach you, that we are to have no Spanish war, except in ink and words. It is undoubtedly best so, for we are in poor condition to go to war, even with Spain. We might to be sure do them a temporary mischief; but what our position would be if peace were suddenly concluded in Europe, you can well conceive; besides what might be apprehended from France. Great Britain is just now making alarming and systematic encroachments on our commerce.

Tell Browne that I shall write him from Washington, where I shall be in a few days. You shall then also hear further from your's,

A. BURR.

No. LXXXVII.

LETTERS FROM THE SECRETARY OF WAR TO GENERAL WILKINSON.

War Department, March 14th, 1806.

Sir.—From existing circumstances, the reinforcement of our posts on the Lower Mississippi, is considered a proper measure. You will therefore please to have the necessary arrangements made for the removal of the troops in your neighbourhood, excepting one full company, as early as circumstances will permit; at all events by the last of April next. They will descend the river to Fort Adams; at which post or in its vicinity they will take up their quarters until further orders.

The company which will remain in Louisiana territory, you will probably think proper to post at the cantonment on the Missouri, in the vicinity of the factory.

You will undoubtedly consider a due attention to the organisation and discipline of the militia within your government as highly important; and you will retain such arms and artillery, as can with propriety be spared by the troops on their departure.

I presume that you have on hand boats sufficient for the troops to descend the river, and I trust there will be no delay in their movement. They should take with them the whole of the tents in that quarter, with their baggage.

There will be no objection, if you think proper, to Colonel Hunt's remaining with you. Colonel Cushing being promoted, his commission will accompany this letter.

You will receive herewith a list of the promotions and appointments, which have been approved of by the senate. You will perceive that there is a vacancy of a Lieutenant-colonel remaining. All other known vacancies are filled.

The Indian chiefs generally, are now on the way returning from Boston to this place. They will meet the Ricari chief and some others at Philadelphia. I presume the whole will return home with a general knowledge of our population and strength, and satisfied with their reception.

The Ricari chief is an interesting character, and we shall not fail of sending him away particularly satisfied. I most ardently hope he will return home in safety.

We have been overwhelmed the present season with Indian deputations. In future we must make such arrangements, as to receive Indian visits when congress shall not be in session. They must come either in May or June, or in September and October.

You will please to give early notice to the contractor and agents, of the intended movements of the troops. I shall inform Mr. Smith of the movement, and direct him to be provided at Fort Adams, for their reception.

The company that is to remain in the territory of Louisiana, should be of artillery. A full proportion of the necessary tools, [&c. for forming a cantonment should be sent with the troops to Fort Adams.

I am, very respectfully, Sir, your obedient servant,

H. DEARBORN.

General James Wilkinson.

DUPLICATE.

War Department, March 18, 1806.

Sir.—By late advices from Natchitoches, it appears that the Dons are making movements which render the reinforcement of that post necessary, and as early as possible. You will please, therefore, to direct Colonel Cushing, with three companies and two field pieces, with ammunition and other necessary articles, to proceed without delay to Natchitoches, without making any unnecessary tarry at Fort Adams. The remainder of the troops in your neighbourhood, excepting one full company of artillery, as directed in my letter of the 14th instant, will, as soon as possible, after the movement of Colonel Cushing, descend the river for Fort Adams, under the command of Lieutenant-colonel Kingsbury.

Colonel Cushing should take with him as many tents and tools of all kinds, as can be spared for his command.

I, am, very respectfully, Sir, your obedient servant,

H. DEARBORN.

General James Wilkinson.

No. LXXXVIII.

EXTRACTS OF LETTERS FROM GENERAL WILKINSON TO THE SECRETARY OF WAR.

St. Louis, April 14, 1806.

Sir.—I received your letter of the 14th ult. on the evening of the 11th inst. too late to reply to it by the return mail.

Without previous expectation, notice or preparation, it will require great exertion to break up the cantonment, and to embark the troops, baggage and stores, destined to Fort Adams, in two weeks, the casualties of weather considered; yet nothing shall be left undone which exertion can effect, and you may calculate on the detachment reaching its destination by the 1st of June, if not earlier. My greatest obstacle is the pay of the troops, due since the 1st of January, and to relieve this difficulty, I shall despatch an express after the paymaster, to hasten his return, or to know what may be expected from him; and by the same conveyance I transmit this letter. If arrangements have been made to pay the troops here, they should be paid before their departure; not only for their accommodation, but to prevent further delay, to preserve the order of the pay office, and avoid perplexity and hazard in the transfer of the money from hand to hand: yet, neither this nor any other consideration, shall interfere with the letter of your order.

I apprised you in a former letter, that the troops would want tents for any movement, those here being generally worn out: a quantity should, therefore, be hastened down the Ohio; and to forward this end, I have written to the military agent at Pittsburg, but I fear we have none there, and at any rate the interposition of your authority may be necessary.

St. Louis, April 25, 1806.

Sir.—I have just received your letters of the 18th and 19th ult. with a duplicate of that of the 14th, which had been previously answered, by an express sent after the paymaster, and to Governor Harrison, respecting the Osage prisoners.

My orders, under cover, will best exhibit the result of your commands of the 14th ultimo; but your subsequent instructions for the immediate reinforcement of the post at Natchitoches, will retard the movement three or four days longer; because, although I had provided suitable craft to transport the troops down the Mississippi to Fort Adams without purchase, the same craft will not serve for the ascent of Red River; and, therefore. I shall be obliged to purchase a couple of barges, in addition to those we have; but these boats may be either sold to advantage, or laid up in safety at Natchitoches, for any prompt movement by water, which events may render necessary.

Colonel Cushing will take with him two French four pounders and a five inch howitzer, which, with Major Porter's little train, will find full employ for the Dons, should they dare take the field, of which I have no idea at present; for they must be joined by the Gauls before they can look us in the face.

You have, under cover, a copy of Major Porter's letter to me of the 4th ultimo, which does not give his neighbours a very belligeren attitude. Although at peace, I conceive existing circumstances render those visits exceptionable. I shall, therefore, order Colonel Cushing to discourage them, and when they are made, to return the civility at Nacogdoches a few days after, on any feigned pretext to be suggested for the occasion, by an officer of acute and correct observation. Major Porter's report of the state of his command is flattering, and the aspect will not be impaired by the reinforcement of Colonel Cushing and his detachment, who ought to reach the point of his destination before the 20th of June.

The removal of the troops has excited strong emotions here, and many apprehensions are expressed, in which I do not thoroughly participate; yet, considering the Indian character and prejudice in this quarter, it is as impossible clearly to anticipate results as it is certain a body of troops would constitute our best security at this remote point. At present tranquillity reigns, and I shall leave nothing undone, in my power, to preserve it.

I understand I have been charged with an improper interference in the conduct of the commissioners: this may be considered an appendix to the volume of calumnies heretofore levelled at me, and I ask only what I confidently expect, an audit before condemnation. In the mean time, I pray you to submit to the President, for his satisfaction, the inclosed declaration of the gentlemen who have been inculpated with me.

I am, with perfect respect, Sir,
Your most obedient servant,
JA. WILKINSON.

The Hon. H. Dearborn, Secretary of War.

No. LXXXIX.

LETTERS FROM GENERAL WILKINSON TO COLONEL CUSHING.

St. Louis, May 6th, 1806.

Sir.—You are to embark to-morrow, and will sail early the next morning with Lockwood's and Strong's companies for Fort Adams, and on arriving there, you are to add Campbell's company to your detachment, and must proceed without a moment's unnecessary delay, up Red River to Natchitoches, where you are to take the command.

The point of your destination being deemed at present a critical one, it is desirable your companies should be kept complete to the establishment, and for this purpose you are to make such disposition of the recruits ordered from Tennessee or elsewhere, as may be found necessary.

Your remote position from the posts east of the Mississippi, renders it convenient and necessary that they should, as heretofore, report directly to, and receive orders from, head-quarters; but the commandants are to report to you monthly, and will be liable to your orders as senior officer of the district, whenever the public service may require the interposition of your authority, which should be made with due caution, to avoid clashing with the arrangements which may issue from head quarters.

The posts, west of the Mississippi, are subject to your immediate command, and are to be governed accordingly. You are to appoint general courts martial within the limits of your district, and are to decide on all sentences which may not affect a commissioned officer, agreeably to the rules and articles of war.

At the distance which separates us, it would be vain and presumptuous to prescribe precise rules for your conduct in command, where the occurrence of incidents and change of circumstances may be so unexpected and variable as to baffle anticipation and to render positive orders destructive to the interests of the country. You are therefore to meet the public service with a sound discretion, and will be held responsible for events. The trust is a high and important one, but it is with singular pleasure I can observe, that my long experience of your judgment and capacity, leaves no doubts on my mind, the result will justify the public confidence, and prove honourable to your name and profession.

I will therefore submit one observation only to your consideration, it is, that you should not fail to employ the force confided to your command, wherever it may be found most necessary, to protect or defend the rights and interests of our country, within the sphere of your authority.

With the warmest wishes for your fame and happiness, I am Sir, your faithful friend, and obedient servant,

JA. WILKINSON.

Col. Thomas H. Cushing, 2d Reg. Infantry.

St. Louis, May 8, 1806, 1 *o'clock, A. M.*

Sir.—Information which I received yesterday from Major Porter, induces me to request of you to accelerate your descent of the Mississippi by every prac-

ticable means. In the present state of the water, with your equipments, I have little doubt you may reach Fort Adams on the 20th instant.

On arriving there, the information you may receive will determine your course of conduct. Should the Spaniards have resumed their position east of the Sabine, or assumed a menacing aspect at Nacogdoches, you must add to your command every man at Fort Adams, except a sufficient guard for the preservation of the works and buildings; leaving orders for Lieutenant-colonel Kingsbury to follow you without a moment's delay, who can very conveniently fall down to the mouth of Red River, and there wait the return of a sufficient number of your barges, which may be ordered down the Red River, so soon as you reach the high grounds; from whence it may be expedient for you to march the whole of the troops, excepting the boats' crews.

I hope Major Porter may have taken the precaution to transmit to the executive, a copy of the information which he has forwarded me; in which case, you will not be long without decisive orders for your government: in the mean time, *as war is not only opposite to the genius and disposition of our country, but also to its substantial interests and happiness, the sword must not be drawn but in the last extremity,* to punish insult, to resist invasion, or repel an attack.

You are, therefore, should appearances justify it, to call to your aid all the troops which can be safely spared from the other posts, and must omit no pains nor exertion in preparing both officers and men for offensive operations, which are not, however, to be commenced but on the explicit orders of government, unless under the circumstances before stipulated.

The order which you will find in the hands of Major Porter, might perhaps justify you in pushing beyond the Sabine River, any advanced posts, which the enemy may have established; but, as it appears from the public prints, that a pacific negotiation has ensued those orders, I think we should not strain their construction, *to favour the effusion of blood,* and involve our country in the *certain calamities, and the uncertain events of war.*

Be yourself prepared for combat; learn with all possible precision the position, force and disposition of your antagonist, and should a conflict ensue, having exhorted your men, and sworn your officers in their presence, to fall or conquer, make your onset with the bayonet, and your own glory and the honour of our arms will be insured.

I am, &c. &c.

JA. WILKINSON.

No. XC.

LETTER FROM THE SECRETARY OF WAR TO GENERAL WILKINSON.

War Department, May 6, 1806.

Sir.—From recent information received from New Orleans and its vicinity, the hostile views of the officers of his Catholic Majesty, in that quarter, have become so evident, as to require the strictest precaution on the part of the

United States; and the immediate exertion of the means we possess, for securing the rightful possession of the territory of the United States, and for protecting the citizens and their property, from the hostile encroachments of our neighbours, the Spaniards.

You will, therefore, with as little delay as practicable, repair to the territory of Orleans or its vicinity, and take upon yourself the command of the troops in that quarter, together with such militia or volunteers, as may turn out for the defence of the country. And you will, by all the means in your power, repel any invasion of the territory of the United States, east of the River Sabine, or north or west of the bounds of what has been called West Florida.

And in case of actual hostilities being commenced by the subjects of his Catholic Majesty, on the above described territory, or of any actual attempt to invade any part of said territory, you will repel force by force, to the utmost of your abilities; and take possession of such posts or places as may, in your opinion, most effectually counteract the hostile acts or obvious intention of the invaders.

Directions have been forwarded to Governors Claiborne and Williams, for turning out such proportion of the militia of their respective governments, as may be found necessary for the protection of the country.

Should you receive any certain information of the movement of any considerable force, either from Mexico or the Havanna, as reinforcements to the force now on the frontiers of Orleans, you will give the earliest notice of it to this department, that measures may be taken for giving you the necessary reinforcements.

Any warlike stores deposited at Fort Adams, or in any part of the Orleans territory, will be at your disposal, for the use of the troops, when found necessary.

You will, from time to time, by mail or otherwise, keep the government as particularly informed as may be, of all interesting occurrences.

It will be advisable to embrace the earliest opportunity for giving to the Governors of Florida and Texas, a clear view of the principles this government is acting upon, in relation to that country, viz.: that while negotiations are pending, as at present, between the government of the United States and Spain, the military posts on neither part ought to be advanced; that whatever opinions may be entertained in relation to the boundaries of Louisiana, no measures of a military nature, ought to be pursued on either part, with a view to the ultimate boundaries; that it may be relied on, that no acts of hostility, on the part of the United States, will be attempted against his Catholic Majesty's subjects, unless an attempt should be made, by said subjects, to change the existing state of things, by taking possession of any place, not actually occupied by Spanish troops, subsequent to the surrender of the country to the United States; and that the actual quiet possession of the country by the United States, east of the River Sabine, (with the trifling exception of the small place called Bayou Pierre) ought and will be considered as fully within the limits of the country surrendered to us, on taking possession of Natchitoches: and, therefore, any attempt on the part of his Catholic Majesty's officers to disturb the existing state of things, by endeavouring to occupy any new post, east of the Sabine, or westward or northward of the former boundaries of what has been called West Florida, must be considered by the government of the United States as an actual invasion of our territorial rights, and will be resisted as such.

It is highly probable, that within a very short time, we shall receive accounts of a satisfactory adjustment of all disputes between us and Spain; hostilities ought, therefore, to be avoided by all reasonable means within our power, but an actual invasion of our territory cannot be submitted to.

To relieve you from some share of responsibility, it is the wish of the President of the United States, that previous to any actual exertion of military force, on our part, you should consult Governor Claiborne, and if convenient, Governor Williams, on the subject merely of the necessity of resorting to hostilities.

You will be responsible for the conduct of all military operations: and you will, at all times, recollect that every prudent measure in your power is constantly to be pursued, to prevent hostilities on either part: but if actually commenced, on the part of the Spaniards, within the before described limits, you will act with vigour and promptitude in repelling them.

Whether any of the militia, and if any, what numbers shall be called out, should be agreed on between yourself and the Governors of the respective territories of Orleans and Mississippi. Such a measure should not be resorted to, unless imperious circumstances demand it.

I am now pursuing measures for forming the necessary arrangements to commence certain fortifications at several places, including New Orleans.

Nine gun boats are directed for New Orleans and its immediate vicinity; several of which will probably arrive there before you reach Fort Adams.

About two hundred recruits by the Ohio and by sea, are on their way for filling the companies in that quarter, and others will follow soon.

You will consider this letter as specially authorised by the President of the United States.

I am, respectfully, Sir, your obedient servant,

H. DEARBORN.

General James Wilkinson.

No. XCI.

GENERAL WILKINSON'S LETTER TO THE SECRETARY OF WAR.

(See Appendix, No. LX.)

No. XCII.

DEPOSITION OF COLONEL CUSHING.

On or about the 8th of October, 1806, I was sitting at the dining-table, in my quarters at Natchitoches, with General Wilkinson, when a gentleman entered the room, and inquired for Colonel Cushing. I rose to receive him, and he presented to me the letter from General Dayton, of which the following is an exact copy, viz.

APPENDIX.

Elizabethtown, (N. J.) July 27, 1806.

Dear Sir.—This will be presented to you by my nephew, a son of the late General Matthias Ogden, who commanded one of the Jersey regiments in the revolutionary war, and whom you probably recollect. He is on his way to New Orleans, and is advised by me to call at your post, if it should be Fort Adams or elsewhere upon the Mississippi, as I am told it is. His merits, and the esteem in which he is held by me, make me anxious to procure for him a welcome reception, even for the short stay of a few hours, that he will be able to make with you.

Any instance of friendly attention or assistance shewn to him, and his very worthy companion, Mr. Swartwout, will be gratefully acknowledged, and regarded as a favour conferred on, dear Sir,

Your sincere friend, and very humble servant,

(Signed) JONA: DAYTON.

Colonel Cushing.

The gentleman informed me that he was the Mr. Swartwout mentioned in the letter, and I presented him to General Wilkinson as the friend of General Dayton, and requested him to take a seat with us at table, which he did. Mr. Swartwout then observed, that Mr. Ogden and himself being on their way to New Orleans, had learned at Fort Adams, that our troops and some militia were assembling at Natchitoches, from whence they were to march against the Spanish army, then in our neighbourhood, and that the object of his visit, was to act with us as a volunteer. He remained with us some time, and conversed on various topics, but said nothing which could excite a suspicion against him; and he left us with a strong impression, on my mind, that his business to New Orleans was of a commercial nature, and could be conducted by Mr. Ogden during his absence. While he was in my quarters, I was called out on business, and was absent from five to ten minutes.

The next morning I was walking on the gallery, in front of my quarters, when General Wilkinson came up, and taking me aside, informed me that he had something of a very serious nature to communicate to me. So much so, that although it was necessary to hold it in strict reserve for the present, he begged me to bear it in mind, that I might be able to make a fair statement of it at any future period. He then asked me if I knew, or had heard of an enterprise being on foot in the western states? I replied, that I had heard nothing on the subject; and asked him what the enterprise was, to which he alluded? He then said, "Yes, my friend, a great number of individuals possessing wealth, popularity and talents, are, at this moment, associated for purposes inimical to the government of the United States: Colonel Burr is at their head, and the young gentleman who delivered you the letter last evening, is one of his emissaries. The story of serving as a volunteer, is only a mask. He has brought me a letter from Colonel Burr, which, being in cypher, I have not yet been able fully to make out, but I have discovered that his object is treasonable, and that it is my duty to oppose him by every means in my power. He assures me that he has funds; says the navy is with him; offers to make me second in command, and to give the officers of the army any thing I may ask for them; and he requests me to send a confidential friend to confer with him at Nashville, in

Tennessee. In fact, he seems to calculate on me and the army as ready to join him." I then asked the General, whether he had received any information or instruction on this subject from government? to which he replied, that he had not, and that he must therefore adopt such measures as, in his judgment, were best calculated to defend the country. He said he would immediately march to the Sabine, and endeavour to make such terms with the Spanish commander, as would justify him in removing the greater part of his force to the Mississippi; and that the moment this should be effected, he would send me to New Orleans in a light barge, with orders to secure the French train of artillery at that post, and to put the place in the best possible situation for defence, and that he would follow, with every man that could be spared from Natchitoches, with all possible expedition. He told me that he would give the information he had received, to the President of the United States, and solicit particular instructions for his government, but as delay might prove ruinous, he would pursue the course before suggested, as the only means in his power to save the country, until the pleasure of the President could be known. On our march to the Sabine, the General told me that he thought his presence at New Orleans at as early a period as possible, was absolutely necessary, and that the moment he could make terms with the Spanish commander, he would set out for that place, and leave me to bring on the troops.

(Signed) T. H. CUSHING,

Col. 2d Reg. Inf. and Adj. and Insp. of the Army.

Natchitoches, Nov. 15, 1806.

[Sworn to, on the 20th day of May, 1807, before George Pollock, justice of the peace for the parish of Orleans.]

No. XCIII.

LETTER FROM GOVERNOR HERRERA TO COLONEL CUSHING.

Plantation of Mr. Prudon, 6th August, 1806.

Sir.—With much respect, I have the honour to acknowledge yours of yesterday, which has been delivered to me by Major Moses Porter, of the United States Artillery.

It is true, that I have passed the Sabine, with a body of troops of the King, my master, with orders from the Captain-general, to protect this territory from all hostile attempts, as appertaining from time immemorial to the King, and always dependent on the government of Texhas, the inhabitants of which, at this time, are in obedience to my government; notwithstanding the violence, which the troops of the United States have committed, on a small detachment of the King.

I at all times, hold myself responsible for a compliance with the orders given me for my government; and they enjoin me, not to interrupt the good harmony which happily exists between his majesty, and the United States; but they bind to defend the territory which I possess. If you should disturb it, you

alone will be responsible to the two courts—you will interrupt that friendship, which ought to exist, and for the dissolving of which I know no reason.

God preserve you many years.

(Signed) SIMON DE HERRERA.

Colonel Thomas Cushing, commanding a detachment of the army of the U. States.

LETTER FROM GOVERNOR HERRERA TO GOVERNOR CLAIBORNE:

Spanish Camp, August 28th, 1806.

Sir.—The troops of the king, my master, which I have the honour to command, on this side of the Sabine, have no other object but to maintain good harmony between the United States and his majesty, and to preserve inviolate the territory which belongs to him.

Major Freeman was navigating the Red River on that part of the territory which never belonged to the province of Louisiana, now appertaining to the United States: for which reason he was notified by the commandant of the troops to retrogade as far back as the country that did belong to them. I agree with your excellency, that all the territory which his Catholic majesty ceded to France, belongs to the United States; but the Caddo Indians are not on that land, but at a great distance from it, and live now on the territory of Spain: for which reason it was notified to them, that if they chose to live under the government of the United States, they must go to the territory under their jurisdiction; but if they desired to remain where they then were, it was required of them to take down the American flag. They consented not to abandon their village; but being more tardy than was conceived they might have been, in pulling down the flag, they (the Spaniards) were obliged to do it by force.

The reason why I detained the three citizens of the United States, was because they were found twice, and on different days, observing our positions and movements, and three several times that I questioned them, I observed they did not agree as to the motives of their visiting this place; but finally, one of them told me, that they wished to establish themselves under the government of the king, at St. Antoine; which determined me to send them to the Governor of the Province with an escort, as well on account of the distance of the road, as for having rendered themselves suspected persons. The detention of the runaway negroes of Louisiana, at Nacogdoches, is an affair now in suspense before the Captain-general of this Province, who likewise will have knowledge of the motives why those were sent back whom your excellency cited. And for the better security of the matter, I shall send your letter which I received by Colonel Hopkins, and who likewise will be the bearer of this.

The troops of the king, neither from disposition nor character, will ever cooperate directly or indirectly in encouraging the emigration of negro slaves. For my part, I assure your excellency that those I command will commit no hostility which can frustrate the negotiations which are now pending between our courts; but if I am provoked to it, I shall endeavour to preserve the honour of my troops, and to fulfil the obligations with which I am invested; a duty which my character, and that of my subalterns, demands.

I avail myself of this opportunity to offer your excellency my respect and consideration.

(Signed) SIMON DE HERRERA.

To his excellency Governor William C. C. Claiborne.

LETTER FROM GOVERNOR CORDERO TO GENERAL WILKINSON.

Encampment at Nacogdoches, Oct. 11th, 1806.

Your excellency was informed by my letter of the 29th ult. of my having sent yours of the 24th of the same month to the Captain-general Brigadier Don Nemesio Salcedo, under whom I act, as I did not possess the authority competent to its discussion, and as the reply to it was to come from the said chief. I flattered myself, that from motives of humanity, and from the good harmony which reigns between our governments, your excellency would have been pleased to have awaited his answer to decide as to your operations, inasmuch as I am not at liberty to deviate from a compliance with the orders which govern me, to recognise the Hondo branch as the limit of this province. Contrary to this expectation, I see by the letter of your excellency of the 4th instant, which I have just received, that you have directed your troops towards the Sabine river, without any pretension hostile to the Spaniards (troops), and only with the object of sustaining the jurisdiction of the United States east of that river.

Your excellency knows very well the sacred duties of a soldier, and of consequence I must say to your excellency, that without, in any manner, attributing the result of the operation which your excellency has undertaken, to an act of hostility provoked by my government, I must oppose myself to it in the discharge of the obligation under which I act, to prevent the aggression of the United States, and to maintain as long as I am able, with undeviating integrity, the dominions of my sovereign.

I leave your excellency the choice, after you receive this letter, praying God to guard your life many years.

(Signed) ANTONIO CORDERO.

To his Excellency James Wilkinson,
General of the Army of the U. States of America.

No. XCIV.

DEPOSITION OF LIEUTENANT-COLONEL THOMAS A. SMITH.

Interrogated by General Wilkinson.

1st Question.—Did you belong to the detachment of troops assembled at Natchitoches, in the autumn of 1806, to oppose the Spanish force which had crossed the Sabine?

Answer.—I did.

2d Question.—Do you recollect General Wilkinson's application to you to take charge of a letter from himself to the President of the United States, and will you be pleased to state the conversation which succeeded such application, the day on which it took place, and according to your memory, all the attendant circumstances afterwards, until you left Natchitoches?

Answer.—From the length of time that has elapsed, and not having charged my memory particularly with the circumstances, I can only give the substance of the conversations. General Wilkinson sent for me some time in October, 1806, I think between the 15th and 20th. After a conversation of several minutes, he told me he had something of the highest importance to communicate to me; that I must first pledge my sacred honour not to divulge it: I gave him the pledge required, and he told me he had received by Mr. Swartwout, a letter from Colonel Burr, stating, that he was then assembling an armed force, on the upper waters of the Mississippi, and would descend, at their head, in a short time. The General stated, that their object was unlawful or treasonable, I do not recollect which; and that Burr had offered him if the army would join in the enterprise, that he might name the rank of his officers. The General observed, that of all traitors, a military one was the greatest, and that there was but one course for him to pursue, which was, to oppose him with all his force. The General then told me, that he was desirous of intrusting to me a communication to the President of the United States; that it must be delivered in a shorter time, if possible, than the same route ever had been travelled. In order to prevent suspicion, he observed, that I must tender my resignation, which he would accept in orders, but that he would arrange the business with the President, so as to continue me on the rolls of the army. The General mentioned to me a number of persons of high rank, as being concerned with Burr, and furnished me with a cypher, to communicate to him any information I might receive of their movements on my journey.

3d Question.—When did you leave Natchitoches? Were you not ordered to conceal, from all persons but the President, the subject of your journey? Did you deliver the letters, given by General Wilkinson, on what day, and in what manner?

Answer.—I cannot be certain as to the day, but I think near sun-down of the evening of the twenty-second of October, 1806 The General did require of me, to take an oath, to conceal from all persons, unless from sickness, or some other occurrence, I should be unable to proceed; in which event, I was, if my recollection serves me, to send the despatch by some person, in whom I could confide. I did deliver that communication to the President of the United States. It was concealed between the soles of a slipper, which I opened, agreeably to my orders, in the presence of the President.

4th Question.—What was General Wilkinson's manner, and what did you consider his desires and impressions, when he first addressed you at Natchitoches?

Answer.—The General did appear to be under the impression, that the enterprise of Burr, was of great magnitude, and was desirous the communication he was going to intrust to me, should be delivered in the shortest possible time, to the President of the United States. I did also suppose, from his manner, that he had suspicions of persons, in or about the camp.

5th Question.—Did he not appear strongly impressed with the conviction, from the information brought by Swartwout, that Burr would make a descent

on the lower country, in violation of the laws, and that he was determined to oppose him at every hazard?

Answer.—Answered in the affirmative in the second question.

6th Question.—In your return to New Orleans, did you not fall in with Colonel John M'Kee? Be pleased to say where, and what appeared to be his objects at the time?

Answer.—I was overtaken by Colonel M'Kee, in the Chactaw nation, I think at Frenchman's. We travelled together to Gibsonport. He informed me, that he had received a letter from Colonel Burr, sent express by a soldier from Fort Pickering; in that letter, Colonel Burr had invited, or expressed a wish, to have an interview with him at the mouth of the Bayou Pierre, to which place he informed me he was then going. In justice to Colonel M'Kee, I must state, that he appeared to hold in abhorrence, any plan which had for its object, the dismemberment of the Union.

7th Question.—In passing through the Mississippi territory at the same period, did the body of the inhabitants appear to be in favour of Colonel Burr, or against him? What were your observations, and had you any particular conversation on the subject?

Answer.—I am unable to say, what were the sentiments of the body of the inhabitants. There was certainly a considerable number of persons in the territory friendly to Colonel Burr. Colonel Woodbridge informed me, he had received orders from Mr. Mead, to assemble the militia of the county, to arrest Colonel Burr, and expressed some astonishment, that so few had turned out; stating the number to be between thirty and forty, if my recollection serves.

Questions by the Judge Advocate.

Was the communication from the prisoner at Natchitoches, between the 15th and 20th October, 1806, as above detailed by you, the first communication ever made by him to you, upon any subject, relating to the plans of Colonel Burr?

Answer.—It was.

Had the prisoner at any time before the conversation above mentioned, spoken to, or corresponded with you, directly or indirectly, upon the subject of invading Mexico, or any other Spanish territory?

Answer.—Never. Until within a few weeks before the time of the General's making to me the communications above mentioned, I had never conversed with or seen him, and I had never corresponded with him on any subject.

No. XCV.

LETTERS FROM GENERAL WILKINSON TO PRESIDENT JEFFERSON.

October 20, 1806.

The following information appears to rest on such broad and explicit grounds, as to exclude all doubts of its authenticity:

A numerous and powerful association, extending from New York through the Western States, to the territory bordering on the Mississippi, has been formed,

with the design to levy and rendezvous eight or ten thousand men in New Orleans, at a very near period; and from thence, with the co-operation of a naval armament, to carry an expedition against Vera Cruz.

Agents from Mexico, who were in Philadelphia in the beginning of August, are engaged in this enterprise; these persons have given assurances, that the landing of the proposed expedition will be seconded by so general an insurrection, as to insure the subversion of the present government, and silence all opposition in three or four weeks. A body of the associates is to descend the Alleghany river, and the first general rendezvous will be held near the Rapids of the Ohio, on or before the 20th of next month, from whence this corps is to proceed in light boats, with the utmost possible velocity, for the city of New Orleans, under the expectation of being joined in their route by auxiliaries from the State of Tennessee and other quarters.

Is is unknown under what authority this enterprise has been projected, from whence the means of its support are derived, or what may be the intentions of its leaders, in relation to the territory of Orleans. But it is believed that the maritime co-operation will depend on a British squadron from the West Indies, under ostensible command of American masters.

Active influential characters have been engaged in these transactions, for six or eight months past; and their preparations are reported to be in such a state of maturity, that it is expected the van will reach New Orleans in December, where the necessary organisation and equipments are to be completed with promptitude, and it is proposed that the expedition should sail for Vera Cruz about the 1st of February.

This information has recently reached the reporter through several channels so direct and confidential, that he cannot doubt the facts set forth: and, therefore, he considers it his duty to make this representation to the executive by a courier extraordinary, to whom he has furnished five hundred dollars; being persuaded, should it prove unfounded, his precaution will be justified, and that otherwise his vigilance will be applauded.

JA. WILKINSON.

[CONFIDENTIAL.]

Natchitoches, October 21st, 1806.

Sir.—Whatever may be the general impropriety, I persuade myself that on a subject irrelative to my official obligations, I shall be excused for addressing you directly and confidentially; but I have another and a more cogent reason for deviating, in this instance, from the ordinary course of my correspondence. It is possible the momentous occasion of this letter, and the vital importance attached to it, may have excited solicitudes to beguile my understanding and delude my judgment; and in such case I trust the integrity of the intention will secure me your confidence, and that this letter, with the communication it covers, may find their graves in your breast. For although my information appears too direct and circumstantial to be fictitious, yet the magnitude of the enterprise, the desperation of the plan, and the stupendous consequences with which it seems pregnant, stagger my belief, and excite doubts of the reality, against the conviction of my senses; and it is for this reason I shall forbear to commit names, because it is my desire to avert a great public calamity, and not to mar a salutary design or to injure any one undesignedly. I have never

in my whole life found myself under such circumstances of perplexity and embarrassment as at present; for I am not only uninformed of the prime mover, and ultimate objects of this daring enterprise, but am ignorant of the foundation on which it rests, of the means by which it is to be supported, and whether any immediate or collateral protection, internal or external, is expected. Among other allurements proposed to me, I am informed you connive at the combination, and that our country will justify it; but when I examine my orders of the 6th May, I am obliged to discredit it—these imputations. But should this association be formed in opposition to the laws, and in defiance of government, then I have no doubt that the revolt of this territory will be made an auxiliary step to the main design of attacking Mexico, to give it a new master in the place of promised liberty. Could the fact be ascertained to me, I believe I should hazard my discretion, make the best compromise I could with Salcedo, in my power, and throw myself with my little band into New Orleans, to be ready to defend that capital against usurpation and violence. It is true the works of the place have mouldered to ruin; yet I think they may, by extraordinary exertions, in a few weeks, be rendered defensible against an undisciplined rabble acting in a bad cause. But, sir, with my instructions before me, and without evidence of the design, principle or support, of the corps of associates expected from the Ohio, I dare not turn my back on the Spaniards, now in my front, and abandon this scene of disaffection to the certain evils which, without some strong measure of prevention, may possibly accrue in New Orleans.

If it should be found necessary to the preservation of exterior engagements or internal security, or to the support of the laws and government, to oppose the meditated movements from the Ohio, I would recommend the immediate adoption of the following measures, viz: 1st. The troops from the bank of the Missouri, from St. Vincents, South-west Point, and Massac, to take post at the Iron Banks on the Mississippi, about fifteen miles below the mouth of the Ohio, with the artillery at those posts, and orders to prevent the passage of persons or property (down the river) except under such passports as you may think proper to prescribe. I prefer the Iron Banks, because the river at that point is confined to a narrow bed, and may be effectually commanded, and I would recommend Captain D. Bissel, now at Massac, for the command: 2d. A squadron of sloops of war and gun boats should be ordered to take possession of the mouth of the Mississippi within the bar, to prevent the entrance of all armed vessels and transports, unless particularly licensed by government: 3d. A competent regular force should be levied and organised to pursue the outlaws, to shut them up and compel them to surrender at discretion.

By the first step, it would be proposed to cut off supplies of provisions and prevent the junction of auxiliaries from the sources of insurrection. By the second, to destroy every hope and expectation founded on co-operation of maritime force: and the third speaks too plainly for itself to need explanation.

Amidst the uncertainty and doubts which perplex me, I feel disposed to adopt the following conclusions: should the conduct of the Spaniards in my front justify it, I shall take the precaution either to go myself, or to send Colonel Cushing, to New Orleans, with every man who may be safely detached from this point, in order to put the works of the Forts St. Charles, and St. Louis, in the best possible state of defence, time and things may enable me, to secure the cannon, arms, military stores and other public property, against any lawless attempt, by whoever made.

If the designs of the combination should be pointed against the government, our communication by mail will be cut off, and all doubtful characters travelling from this quarter towards the Atlantic will be stopt: I have, therefore, judged it expedient, to silence suspicion, and to secure and accelerate the arrival of this despatch to your hands, to cause the bearer, Lieutenant Thomas A. Smith, a young officer of good promise and entire trust, ostensibly to resign his commission and quit the service; it is, therefore, necessary you should instruct the secretary of war to reject his resignation and continue him on the rolls; and I hope, sir, should he acquit himself with satisfactory discretion and promptitude, on the journey he has undertaken, that you may give him some mark of your approbation, and send him back to me. Reposing, with entire confidence, in your justice and your wisdom, that no application will be made of this letter, which the national interests do not exact; I hold myself ready to receive and execute your orders, when and where you may think proper to direct.

And am, Sir,
Your faithful and obliged soldier and servant,
JA. WILKINSON.

No. XCVI.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas, information has been received, that sundry persons, citizens of the United States, or residents within the same, are conspiring and confederating together, to begin and set on foot, provide, and prepare, the means for a military expedition or enterprise, against the dominions of Spain; that for this purpose, they are fitting out, and arming vessels, in the western waters of the United States, collecting provisions, arms, military stores, and other means; are deceiving, and seducing honest and well-meaning citizens, under various pretences, to engage in their criminal enterprises; are organising, officering, and arming themselves for the same, contrary to the laws, in such cases made and provided: I have, therefore, thought fit to issue this, my PROCLAMATION, warning, and enjoining, all faithful citizens, who have been led without due knowledge or consideration, to participate in the said unlawful enterprises, to withdraw from the same without delay; and commanding all persons whatsoever, engaged, or concerned in the same, to cease all further proceedings therein, as they will answer the contrary at their peril, and incur prosecution with all the rigours of the law.—And, I hereby enjoin, and require, all officers, civil and military, of the United States, or of any of the States, or Territories, and especially, all Governors, and other executive authorities, all Judges, Justices, and other officers of the peace, all military officers of the army or navy of the United States, and officers of the militia, to be vigilant, each within his respective department, and according to his functions, in searching out, and bringing to condign punishment, all persons engaged, or concerned in such enterprise; in

seizing and detaining, subject to the dispositions of the law, all vessels, arms, military stores, or other means, provided, or providing for the same; and in general, in preventing the carrying on such expedition, or enterprise, by all the lawful means, within their power: And I require all good and faithful citizens, and others, within the United States, to be aiding and assisting herein; and especially in the discovery, apprehension, and bringing to justice, of all such offenders, in preventing the execution of their unlawful designs, and in giving information against them, to the proper authorities.

In testimony whereof, I have caused the seal of the United States to be affixed to these presents, and have signed the same with my hand. Given at the City of Washington, on the twenty-seventh day of November, one thousand eight hundred and six, and in the year of the sovereignty and independence of the United States, the thirty-first.

[SEAL.]

(Signed) TH: JEFFERSON.

By the President,

(Signed) JAMES MADISON, *Secretary of State.*

No. XCVII.

DEPOSITION OF COLONEL BURLING.

At the request of General Wilkinson, I have drawn up the following plain statement of such facts, as came within my knowledge, relative to his conduct, during the expedition to the Sabine:

Immediately after I was informed of General Wilkinson's arrival at Natchez, in the autumn of 1806, I waited upon him, merely to express my regard for a valued acquaintance, and my respect for an officer of rank. I saw him but two or three times. At one interview, he expressed a wish that I should accompany him, or come on with the militia, which were to be ordered to Natchitoches. I did not positively promise him that I would, but I was induced by circumstances which had no relation to him, to ride as a volunteer in Captain Farrar's troop, one of the corps ordered from this territory, to oppose the aggressions of the Spaniards in Louisiana. I think the troop reached Natchitoches on the morning of the 14th or 15th October.

Before we dismounted, I was directed by Captain Farrar, who had returned from making his report, to wait upon the General. I accordingly repaired to head quarters, and was received by him with great cordiality; observing that I was fatigued and indisposed, he proposed that I should repose an hour or two, and that when I should be refreshed, he wished to have some conversation with me, giving me to understand that it would be interesting. I do not recollect, whether it was on the evening of that day or the next morning, that the General communicated to me the information he had obtained, respecting the views

of Mr. Burr. After having explained to me the general objects which Mr. Burr proposed to attain, he spoke of what he (Mr. Burr) calculated upon as his means. Among others, was the expected support of General Wilkinson, and through his influence, that of the majority of the force under his command. General Wilkinson observed to me, that Mr. Burr's expedition was pointed against Mexico; that Mr. Burr had reason to expect important auxiliaries in that country; and that he had held out great offers to him, such as the second in command, &c.

Without expressing an opinion himself, respecting this scheme of Mr. Burr's, he desired me to give him mine, as to the measures he ought to pursue. Although I should have felt no hesitation in pronouncing at the moment, what I conceived to be his duty, I deemed it proper to wave an immediate reply, and therefore observed to the General, that the question was of such importance, and took me so entirely unprepared, that I must demand until the next morning, to give my answer. I accordingly waited on him the next morning, prepared to give my opinion; but without waiting for it, he told me he had made up his mind as to the steps proper to be taken. That his orders were peremptory, to take possession of the country, between the Arroya Honda and the Sabine, and that although he felt the importance of using the most prompt and efficacious means to save New Orleans from Mr. Burr; yet he could not take upon himself to dispense with the execution of the pointed orders he had received. He had no hope of receiving fresh instructions from the government, in time to oppose Mr Burr, with effect; he must, therefore, take great responsibility on himself; but expressed his hope and belief, that the extraordinary circumstances in which he was placed, and the importance of the object, would justify him to the government and the country. His plan was to push on his troops as fast as possible to the Sabine, to fight the Spaniards if they opposed his march; but, if possible, to effect an honourable accommodation with them, and hasten with all possible expedition to New Orleans, in order to save that city, provided he should be fortunate enough to arrive there before Mr. Burr. In the mean time, he sent orders to the officer commanding at that place, to put it in the best possible state of defence, that his means and the shortness of the time would permit, without explaining to him the cause which rendered this measure necessary. In conformity with this decision, as soon as the means of transportation could be procured, and other necessary arrangements effected, the troops moved from Natchitoches, commanded by the General in person, whom, at his request, I accompanied as an aid-de-camp. It being well ascertained on our march, that the Spanish commander had withdrawn his troops to the right bank of the Sabine, some little difference of opinion arose at head qdarters, respecting the necessity of proceeding further. It was stated, that we had as completely taken possession of the country in dispute by one day's march across the Arroya Honda, as we should do by proceeding to the Sabine; more especially, as the Spaniards had abandoned the contested ground, and withdrawn themselves to their undisputed limits. It was contended on the other part, that unless we went to the extent of the jurisdiction claimed by us, we did nothing; that the Spaniards had taken possession of the country with a large force, and had only withdrawn for their own convenience, without having, in the smallest degree, acknowledged our claim; but that, on the contrary, they still continued to urge their pretensions, and expressed their determination to enforce them; that the moment our troops were withdrawn, they would again

take possession and establish such posts as they should deem necessary for keeping it. This was the General's opinion, and we accordingly pressed our march as fast as the state of the roads and means of transport would permit.

On the twenty-ninth of October, when within about twenty or twenty-five miles of the Sabine, General Wilkinson directed me to repair to the Spanish camp, with a letter to Governor Cordero, (whom we understood to be the commanding officer on that frontier) together with a copy to be left with Colonel Herrera, the officer who commanded on the Sabine. I was directed to proceed, if I was permitted, to Nacogdoches, and after having delivered my despatches to Governor Cordero, to use every argument I could, with propriety suggest, to induce his acquiescence with the General's proposals. On my route to the Sabine, I met a Spanish officer, who was the bearer of despatches from the Governor-general Salcedo, to General Wilkinson. I despatched one of the escort which accompanied me to the General, for fresh instructions, if he had any, in consequence of the communications from Governor Salcedo. He rejoined me that night, with a letter from the General, directing me to proceed, and do the best I could with Cordero, as Salcedo's letter said nothing, which I would perceive by a copy of the translation which he enclosed to me.

I accordingly, next morning, presented myself at the Spanish out-post, and after a little delay, was conducted to the quarters of the second in command. I was shortly after, presented to the commanding officer, Colonel Herrera, to whom, after having delivered the copy of the General's letter to Cordero, I communicated his request, that I might be permitted to proceed to Nacogdoches; without entering into any explanation, he immediately assented; ordered an escort to conduct me; and in half an hour I left the Spanish camp for Nacogdoches. While I remained with Colonel Herrera, our conversation was altogether on general subjects, and held in the presence of several of his officers, and some of the gentlemen who accompanied me. I found they had already constructed barracks, sufficient for five or six hundred men, and were busily employed in erecting more. Every thing seemed to indicate their intention of passing the winter in their present camp, and I began to augur unfavourably of the issue of my mission.

I reached Nacogdoches about noon, I think on the 1st November; after dinner, Governor Cordero sent for an interpreter to translate the General's letter, and retired with him. I saw him no more until the evening, when he informed me that he would prepare his reply the next morning, and despatch me, as I requested, without delay. He observed that the proposal of the General met his wishes completely; but that he was tied up by the orders he had received from his General, and could not stipulate formally for any conditions, until he received instructions from him, which could not arrive in less than fifteen days. As our object was despatch; I urged all I could think of, to induce him to take the responsibility upon himself; but all in vain; the awe in which he stood of his General, was not to be surmounted; and I saw with pain, that at my return, the General would find himself in an unpleasant dilemma. The next morning, after trying once more, if any thing could be done with Cordero, and being equally unsuccessful, I took my leave, and the second evening, reached the Spanish camp, where I was received with marked politeness, by Colonel Herrera; who informed me, that had he been acquainted with the contents of the letter, I had left in his hands, he would have saved me the trouble of my ride to Nacogdoches. He said, it was too late to write that evening to the General,

but that he would send the officer, who was inspector of the troops, and second in command, to visit the General the next morning, upon the subject of his proposal.

I left him, and reached our camp about eight o'clock. The next morning I made a report of the circumstances of my mission to the General.

The following morning, the inspector Viana, came to our camp, when the agreement was made, which removed our difficulties for the time; and shortly after, the General leaving the troops under the command of Colonel Cushing, set off for Natchitoches, whither I accompanied him. After a short stay at this place, we proceeded to Natchez, where I took my leave of him as a public man, nor have I since that period had any communication with him of a public nature.

I take this occasion to declare, in the most solemn manner, that in all General Wilkinson's transactions, from the time that I entered into his family, until I left him to follow my private pursuits, he appeared to have no other object in view, than the faithful performance of his duty. That I did not perceive in him the smallest doubt or hesitation, respecting the necessity and propriety of endeavouring to defeat Mr. Burr's views, by every means in his power; and further, that all his negotiations with the Spaniards on the Sabine, were pure and honourable, and directed solely to the attainment of his grand object, that of being at liberty so to dispose of his force, as would enable him more effectually, to counteract the plans of Mr. Burr, and his adherents.

W. BURLING.

Natchez, Nov. 9, 1807.

[Sworn to, the 10th of Sept. 1807, before Jonathan Davis, justice of the peace for Adams County, Miss. Ter.]

No. XCVIII.

EXTRACT OF A LETTER FROM JAMES L. DONALDSON, ESQ. TO GENERAL WILKINSON.

Natchez, Oct. 30th, 1806.

"Michael Myers arrived here to-day in 13 days from St. Louis, on his way to New Orleans. He made a communication to me, with permission to transmit to you, which might stagger even credulity. Of his information, he says, he is certain, and most firmly believes in the intelligence he communicates. This is neither more nor less, than that a plan to revolutionise the western country has been formed, matured, and is ready to explode—that Kentucky, Ohio, Tennessee, Orleans, and Indiana, are combined, to declare themselves independent on the 15th November. That proposals have been made to some of the most influential characters at St. Louis, by an accredited agent of the conspiracy, to join in the plan. That this person, whose name Myers refuses to reveal, is in a most respectable line of life, and had the most unquestionable vouchers of his mission in French and English. That he declared "if *Money*

was necessary, that it might be commanded to any extent." It is proper to add, that the persons thus applied to at St. Louis, altogether refused to concur in any plan of the kind, saying, that it should be only superior force, that should dispense with their oath of fidelity to the United States. This may all appear to a person, as well acquainted as you are with the politics of the western country, as a *second Spanish Conspiracy*, and as such be ridiculed, and such is my impression of the wonderful plan. But Myers so firmly believed it, that having set forth on his journey by land to the United States, he was induced by his fears, hastily to return, to arrange his business at all events, and prepare for an explosion.—He most solemnly protests the truth of the communication, and declares, there are only four persons in St. Louis, who are privy to the disclosure, made by the secret agent.—It is not improbable, that this may be a "ruse de guerre," a stratagem set on foot by the patrons of the Western World, to foster and keep alive the dissention, which, excited by the pretended exposition of ancient conspiracies, may be fanned into a flame by spreading an alarm of an immediately and pressing treasonable combination. This, I am apt to believe, is the case, and in order more fully to succeed, they may study and affect mystery, as better calculated to excite suspicion, and that they may have the honour of a *new discovery*.—However, be the matter as it may, I communicate it to you as I received it, and have only to regret, that you had it not in person, from Myer's information, of which whatever your judgment might pronounce, the solemnity of his assertion, and his certainty of the plan (although he was not at liberty to divulge the means) must have staggered the mind capable of *believing it*."

No. XCIX.

LETTER FROM GENERAL WILKINSON TO COLONEL CUSHING.

Natchitoches, Nov. 7th, 1806.

My dear Sir.—By letters found here, I perceive the plot thickens; yet all but those concerned, sleep profoundly. My God! what a situation has our country reached. Let us save it if we can. You must instruct Strong by my authority, and therefore leaving the minutiæ to you, I will barely suggest the propriety of calling his incessant attention, to the repair and preservation of the arms, ammunition and ordnance, deposited with him; and also to every appurtenant of the quarter-master's department. He must keep a strict eye to the conduct of the Spaniards, on the side of Texhas, and is to advise me by express, at New Orleans, of every casualty which may occur, or any change which may be made by them.

I have nothing more to add, but to intreat you to accelerate your movement, by every practicable means.

I think the officers, who have families at Fort Adams, should be advised to leave them there, for if I mistake not, we shall have an insurrection of blacks as well as whites, to combat.

It is this moment reported, you will not be able to get your boats over a shoal of several miles, just above Black river. I pray you to scrutinise the subject, and to surmount the difficulty without a pause. You have an admirable resort by marching your main body through the apalousa, should the river be found actually impracticable.

You must leave Strong a suit of clothes for his company, from those brought up, by exchange. No consideration, my friend, of family or personal inconvenience, must detain the troops, a moment longer than can be avoided, either by land or by water; they must come, and rapidly. On the 15th of this month, Burr's declaration is to be made in Tennessee and Kentucky; hurry, hurry after me, and if necessary, let us be buried together, in the ruins of the place we shall defend.

JA. WILKINSON.

LETTER FROM GENERAL WILKINSON TO LIEUT. COL. FREEMAN.

Natchitoches, Nov. 7th, 1806.

Sir.—This will be delivered to you by Major Porter, who descends with a body of artificers, and laboratory men, to aid your operations. The Major carries with him specific instructions, which you are to respect and support promptly. We must repair the old defences of the city; it is our only resort, as we shall not have time to do more. Look to this object, and make the necessary prompt exertions; we shall want, I expect, ten thousand pickets for palisades, fraisings, &c. Contract for them, or as many of them as you can, on the best terms, deliverable as speedily as possible, but at all events before January. Plank and scantling also, will be wanted for platforms, sleepers, braces, &c. Let your measures be taken, as if by order from the secretary of war; but profess utter ignorance of motives. Manifest no hurry or emotion, for you are surrounded by secret agents, yet use every exertion in your power. Quarters for the troops from this place, (excepting Strong's company) those at Fort Adams, and Point Coupée, and one hundred from Fort Stoddert, must be provided and prepared. Contracts will be made for wood, as we descend the river.

I shall be with you by the 20th instant; in the mean time, be you as silent as the grave.

With great consideration and respect, I am, Sir, your obedient servant,

JA. WILKINSON.

No. C.

LETTER FROM GENERAL WILKINSON TO PRESIDENT JEFFERSON.

Seat of Major Minor, near Natchez, Nov. 12, 1806.

Sir.—I again intrude upon you the subject of the duplicate under cover, which presents a spectacle of human depravity, to excite our sorrow, indignation and abhorrence.

APPENDIX.

Many circumstances have intervened since my last, confirmatory of the information previously received, and demonstrative of a deep, dark and wicked conspiracy. My doubts have ceased, and it is my opinion, that nought but an immediate peace in Europe can prevent an explosion which may desolate these settlements, inflict a deep wound on our republican policies, involve us in a foreign conflict, and shake the government to its very foundation.

I received from a correct source the information under cover, at Natchitoches on the 6th instant, and make no question of the facts, though I trust the report of the agent alluded to was a mere "ruse de guerre" to popularise and gain auxiliaries to the real design, "to seize on New Orleans, revolutionise the territory, and carry an expedition against Mexico by Vera Cruz." This is indeed a deep, dark and wide-spread conspiracy, embracing the young and the old, the democrat and the federalist, the native and the foreigner, the patriot of '76 and the exotic of yesterday, the opulent and the needy, the ins and the outs; and I fear it will receive strong support in New Orleans, from a quarter little suspected, from whence I have been recently addressed by a Gallo-American, formerly distinguished at Olmutz in a better cause. By masking my purposes and flattering his hopes, I expect to discover the extent and leading characters of the combination in that city; and, till this is effected, I shall carry an equivocal exterior to every person who may see me, excepting my confidential officers.

My letter to the secretary of war will expose to you my military movements and intentions, which may, I hope, meet your approbation; and I intreat that you may be pleased to order him to honour the drafts which may be made on him, for materials and other disbursements essential to the fortifying the city of New Orleans, to enable me to defend it, to repulse the assailants, and command the pass of the river.

You will perceive on inquiry that my means are greatly deficient, but may rest satisfied that nothing shall be omitted which can be accomplished by indefatigable industry, incessant vigilance and hardy courage; and I gasconade not when I tell you, that in such a cause, I shall glory to give my life to the service of my country; for I verily believe such an event to be probable; because should seven thousand men descend from the Ohio, and this is the calculation, they will bring with them the sympathies and good wishes of that country, and none but friends can be afterwards prevailed on to follow them: with my handful of veterans, however gallant, it is improbable I shall be able to withstand such a disparity of numbers; and it would seem we must be sacrificed unless you should be able to succour me seasonably by sea, with two thousand men and a naval armament, to command the mouth of the Mississippi.

To give effect to my military arrangements, it is absolutely indispensable, New Orleans and its environs should be placed under martial law; for without this, the disaffected can neither be apprehended nor banished; private property can neither be appropriated nor occupied for public purposes; the indiscriminate intercourse between town and country cannot be restrained, and my every disposition will of course be hourly and daily exposed to my adversaries. To effect this necessary measure, I must look up to your influence and authority. To insure the triumph of government over its enemies, I am obliged to resort to political finesse and military stratagem. I must hold out false colours, conceal my designs, and cheat my adversaries into a state of security, that when I do strike, it may be with more force and effect; and therefore my own bosom,

were it possible, should be the sole repository of my determinations. But independent of considerations of policy, my personal safety will require the most profound reserve, to the last moment of indecision; for were my intentions exposed, there are more than three desperate enthusiasts in New Orleans, who would seek my life, and although I may be able to smile at danger in open conflict, I will confess I dread the stroke of the assassin, because it cannot confer an honourable death.

Having put the front of the troops in motion for New Orleans under Major Porter, and made arrangements for the rest to follow under Colonel Cushing, I left Natchitoches on the 7th instant, and arrived here the 11th, to pick up what intelligence I could of the doings above; to sound the public mind; to require a body of militia from the Governor, and above all, to find some intelligent, confidential agent, who would convey this despatch to you, with certain oral communications which I dare not letter, because nothing less than an overt act will, in my judgment, warrant the official commitment of names, and none such has as yet been committed, within my knowledge.

Mr. Briggs, with whose good sense and integrity I have been long acquainted, is the only person to whom I could venture to confide the important commission; and he, at my pressing instance, under the assurance I have ventured to make him of your approbation, has agreed to absent himself from his office, under some feigned pretext, and to hand this to you; and to guard against the loss of life or limb, and the casualties of disease, I have associated an attendant with him, who will proceed with my packet in case any accident should happen to Mr. Briggs.

JA. WILKINSON.

No. CI.

LETTERS FROM GENERAL WILKINSON TO COLONEL FREEMAN.

Head Quarters, Natchitoches, October 23, 1806.

Sir.—I have received your several letters of the 19th and 26th ultimo, and 2d and 3d inst. by the last mail, two days since.

I approve your arrangements, except with respect to the disposition of the knapsacks and canteens—they are much needed here, and can be better spared by men in quarters, than in campaign.

The ruin of our public works, and the utter destitution of stores and implements, has become, in this eventful moment, a source of awful reflection. Should we be suddenly pressed, the defect is irremediable, and the consequences will be correspondent.

Under my present views and impressions, I have not the least doubt, we shall soon be engaged in hostilities, and therefore, every preparation for defence should be made, which our humble means may enable.

By buying up all the paper to be had in this country, I have made up about thirty-five rounds of musket cartridges for six hundred men—a handsome stock for a campaign, and when it may become immediately necessary, to quadruple our force.

I look with extreme solicitude, at the French train near you, it has been forgotten by the Spaniards, or they would have it; to anticipate them, I do recommend to you, without a moment's delay, to enter into a provisional contract for them, subject to the ultimate decision of the secretary of war: but then you should, by all means, get them into your possession, with the carriages, shot and shells; and you should mount them as soon as possible, and have the implements cleaned, repaired, and put in order. Let this be done with reserve; but hesitate not in doing, what I recommend, the responsibility shall be with me; and in the most solemn and sacred confidence, I charge you to use your utmost efforts, by employing the troops, and by hiring artificers and labourers, to put Fort St. Charles and St. Louis, in the best state of defence your materials may permit.

Your place is to be completed by the 20th of December; and in those works, have all your artillery, arms, and military stores, and utensils secured. Should this operation excite enquiry, you are to say, the plan of fortification has been varied, and that the secretary of war has ordered the repairs of the old work.

I cannot explain to you, at this time, the causes which prescribe this measure; but they are of a nature too imperious to be resisted, and too highly confidential to be whispered, or even suspected. Your silence, therefore, must be profound; and while you pursue the operations most industriously, you must show no anxiety, nor offer allusion (even conjectural) to any specific object. The troops marched for the Sabine yesterday, and I shall follow them in a few hours. We go prepared to fight. But, I shall prefer to make a temporary compromise, if it can be done on saving terms; and, in that case, you may expect to see me, with the troops from this, excepting one company. Under such equivocal circumstances, I have considered it most proper, to suffer your detachment to advance, because, should we come to action, they will be in season; and otherwise, they can be returned by water, promptly. It is necessary, St. Charles and St. Louis, should be strongly endowed with artillery, arranged to command the river, and also the front of the city. The Fort of Placquemine, must also be strengthened and improved, by every exertion in your power, and as speedily as possible—and again, I charge you, by your honour, and by the national interest, not to breathe the contents of this letter to mortal.—But act decisively, and without fear. Should the thing ever become a question, I have your justification in my pocket.

Neither the boat which preceded Captain Waterhouse, nor that which he conducts, have been heard of.

You must find Lieutenant Buck a crew, to descend the river, with the army pay; and I wish Lieutenant De Neufville, (or of a name similar) to accompany him; or if this gentleman should be absent, some officer who understands the French, and (if it may be) the Spanish language. I wish you happiness, and am respectfully,

Your obedient servant,

JA. WILKINSON.

Send up the men and musicians, of the 2d regiment, should opportunity present.

Lieutenant-colonel Freeman, of the Artillery.

P. S. I did intend sending this by Lieutenant Buck—but I find him so abandoned to drink, I am afraid to trust him. I therefore, send it by mail. Deliver the enclosed.

Natchez, Nov. 12, 1806.

I have just received your letters down to the 7th inst. Hold Major Nicoll near you, and send no gun-boat into Lake Pontchartrain, until my arrival—we shall want them all, and more on the Mississippi. I shall leave this the day after to-morrow. I wrote you from Natchitoches, on the 6th, by Major Porter, who left that place the morning of the 7th, with one hundred men, including all the artificers of the corps there. I fear the low water may retard his movement, I therefore send this express. I now write Governor Claiborne, respecting the French field artillery, and the dangers which menace us imperiously, not from without, but from within. I have made up my mind to perish in the storm, in the defence of the government, and integrity of the union, and every officer I have the honour to command, will do the same.

Cushing, with every man, except Strong's company, will soon be with you—and we shall have succour from other quarters.

I wrote you concerning pickets, to enclose the town, for fraisings, &c. &c.; cypress ones cannot be had; we must, therefore, resort to the pine on the north-east side of Lake Pontchartrain; make every exertion to procure them by instant engagements. All the shallops should be employed in transporting them across and up the bay, on Carondelet. We must also resort to the swamp willows, to be found on the bank of the Mississippi—10,000 at least will be necessary, from eight to ten inches diameter. I impose a sacred reserve on Governor Claiborne. You and himself, are the only persons, who must have a glimpse of my views, which must be concealed to the last practicable moment—our safety and success depends on it. You are surrounded by disaffection, where you least suspect it, and therefore must not breathe a lipse of this, or my precedent communications.

Your's, dear Colonel, in haste, and with much esteem,

JA. WILKINSON.

Lieutenant-colonel Freeman.

You are to confer with Governor Claiborne, in sacred confidence, and must demonstrate no hurry in any thing.

You are to order fifty dollars to be paid to the bearer, Dan. Corbett, on account of this service. J. W.

No. CII.

LETTER FROM GENERAL WILKINSON TO MAJOR PORTER.

Natchitoches, Nov. 6th, 1806.

Sir.—You are to proceed with the detachment of your command, and the ordnance and stores ordered, with all possible expedition to New Orleans, and report to Lieutenant-colonel Freeman, from whom you are to demand and receive whatever you may find necessary to promote the particular service confided to you.

You are to repair, mount, and equip for service, every piece of ordnance, large and small, which you can lay your hands on, and are to work all hands double tides, who understand the business, in fixing shot, shells, grape, canister and musket cartridges, with buck shot. Let your field pieces be all ready, with horse harness and drag ropes, to take the field; and let six or eight battering cannon be mounted in Fort St. Charles, and the same number in Fort St. Louis, to bear on the river, the front and flanks of the city. In the execution of these orders, the utmost economy must be observed, yet no unavoidable expense must be spared.

I entreat you to employ every exertion to reach the point of your destination, where you will find me on the 20th inst.

With respect and esteem, I am, Sir, yours, &c.

JA. WILKINSON.

No. CIII.

Extract from the Morning Reports, of the 10th and 16th of April, 1809, exhibiting the state of health of the troops, previous to the arrival of General Wilkinson in New Orleans, and during the command of Colonel A. Parker.

Dates of Reports.	Total non-commissioned officers, musicians, artificers, and privates, present.	Non-commissioned officers, musicians, artificers & privates, for duty.	Non-commissioned officers, musicians, artificers & privates, sick.	Men confined on daily duty, and waiters.
Apr. 10, 1809,	1,704	1,134	410	160
16,	1,733	1,017	553	163

(Signed)

N. PINKNEY, *Captain, and Brigade Inspector.*

Extract from the Report of Dr. William Upshaw, Surgeon of the 5th Infantry, dated Camp Terre au Bœuf, July 20th, 1809.

"The diseases which are now prevalent among the men in camp, are chronic diseases, bilious and intermitting fevers, some cases of scurvy. The chronic diarrhœa, was first introduced by the change of aliment, and the use of the Mississippi water; which water is strongly impregnated with calcareous earth, and carbonate of lime. Many of the men were violently attacked, before their arrival at New Orleans, with diarrhœa, from the use of the water, when on their route up the river. On the first arrival of the troops at New Orleans, this disease was common, almost universal; generally speaking, the disease proved fatal, or yielded to treatment, before our encampment was formed: but, even

now, many are found lingering, in the last stage of cold diarrhœa, of from three to four month's standing. It may safely be affirmed, that three-fourths of the deaths in camp, have been from this disease."

No. CIV.

PROTEST OF MR. ABRAHAMS'S BILL.

[See page 437, of vol. II.]

No. CV.

REPORT OF HOSPITAL SUPPLIES AT THE POST OF NEW ORLEANS, APRIL 27th, 1809.

ARTICLES OF MEDICINE.

lbs.	*oz.*	
1		Bals. Canadensi
3	4	Copaiva
2		Traumaticum
1		Cantharides
5		Cortex Surantium
2		Canella Alba
1	4	Cinnamomum
	10	Cera Alba
	1	Flores Benzois
5		Chamœmelum
25		Sulphur
	10	Folio Digitatis
	1	Galla
2		Gum Aloes
2		Assafœtida
2		Ammoniacum
2		Arabicum
2	8	Camphora
	10	Gambogia
1		Guaiacum
	8	Kino
3		Myrrha
3		Opium
	1	Scammonium
2		Ext. Glycynhizar
2		Ol. Olivarum
	1	Ol. Succini
	2	Vol. Anisi
	1	Menth. Piper.
1		Terebinth.
110		Pulv. Cort. Cinchon. Palid.
2		Rad. Jalapa
1	8	Rhabarbar.
	4	Ipecacuanha
	8	Pix Burgundica
3		Radix Columbo
1		Arist. Serpentar.
20		Gentiana
1		Poligala Senega.
1		Hellebor. Niger
	4	Scilla Maritima
1		Valeriana
1		Resin. Flava
1	4	Acid Nitrosum
1		Muriaticum
2		Sulphuricum
2		Carbon. Ammoniac
	4	Potassæ Puris.
4		Nitras
25		Sulphas Sodæ
	10	Murias
2		Alkohol Ammoniac

lbs.	oz.	
	12	Carbon. Magnesia
	4	Oxid Antimon. Vitrif.
	1	cum Phos. Calcis.
	12	Jactris Antimonii
	4	Nitras Argenti
	1	Sulphas Cupri
1		Tinei
6		Hydrargyr. Purificat.
	6	Murias Hydrargyri
1		Submurias Hydrargyri
1	4	Oxid Hydrargyr. Ruber
16		Acetis Plumbi
2		Oxid Plumbi Semivit.

lbs.	oz.	
1		Carbon Zinci Preparat.
5		Oxid Arsenici
1		Alkohol
2	8	Æther Sulphuric
	8	Spt. Nitrosi
6		Adps. Suillæ
7		Emp. Lithargyri
1		Hydrargyri
6		Resinosum
25		Ung. Resin. Flava
20		Acetitis Plumbi
24		Hydrargyri

HOSPITAL STORES, &c.

40 *lbs.*	Brown sugar
45	Bohea tea
30	Rice
4	Pimento
170	Chocolate
19	Ginger
19	Sago
19	Tapioca
64 *galls.*	Brandy
50	Wine

95 *galls.*	Vinegar
6 *yds.*	Muslin
10	Flannel
4 *pieces*	Tape
4 *lbs.*	Lint
106	Bed Sacks
75	Sheets
8	Matrasses
89	Blankets
35	Musquitoe bars

INSTRUMENTS.

4 *setts*	Trepanning
5	Amputating
2	Pocket
1	Tooth
1	Trocar
18	Lancets

2 *doz.*	Bougies
16	Tourniquets (extra)
2	Syringes, Enema
4 *doz.*	Do. Penis
1 *case*	Surgeon's Instruments
1	Male Catheter.

No. CVI.

LETTER FROM THE SECRETARY OF WAR TO GENERAL WILKINSON.

[See page 368 of vol. II.]

No. CVII.

Extracts from General Orders, issued at New Orleans and Camp Terre au Bœuf, in 1809.

April 22.—The troops will take the field so soon as the necessary arrangements can be compassed. The military agent is to provide curtains for the front of the tents, to protect the men against sand flies and musquitoes; to be delivered to the officers commanding companies, in the proportion of one to every six men; and those officers are to be held responsible for them. One hundred single bars are also to be provided for the field hospital. Cutler's company, of the 7th, will, until further orders, be attached to, and reported with, the detachment of the 6th regiment. The companies of the other corps, are to be quartered as compactly as possible, and are to be commanded by the senior officers of each, present, who will be held responsible for the good conduct, police, and discipline of their respective commands.

May 1.—Promptitude and precision, constitute the soul of military service: the remission of either, is subversive of principle, and, if permitted, would soon prove fatal to the discipline and repute of the corps. The regular reports of the morning cannot be dispensed with, and the guards must be mounted with punctuality. A defect in either case will produce inquiry.

May 5.—The old officer of the day, after waiting until noon, yesterday, was obliged to turn off the guard, without being relieved. The General cannot witness such an instance of reproachful negligence, and suffer it to pass unnoticed, however painful it may be to him.

As the agent of the government and the guardian of the honour of the corps, it devolves on the commander to enforce the laws, rules and regulations, ordained for the controul and direction of his subordinates; and the General flatters himself, a similar offence may not occur a second time, to extort the sentence of a general court martial; for he most earnestly desires, and fondly hopes, that the principles of the corps he commands, may save the necessity of an appeal, which should affect the feelings of a man of honour, nearer than life.

May 11.—It is enjoined on the company officers to pay the closest and strictest attention to their men individually; and the commanding officers of corps, are held responsible for the execution of this duty, as the manners, morals, health and discipline of the troops depend on it. To issue an order and not to execute it, is a mockery of service, and must disgrace the corps in which it is suffered.

May 21.—The gentlemen in commission, are to understand, that an escape from a guard, implies a neglect of duty, which cannot be suffered to pass a second time with impunity.

The General observes, with pain, that the guard-house is crowded with drunkards and rioters. These are improper subjects for the main guard; and if the commanding officers would redouble their cares, their vigilance and attention to the men, who are confided to their immediate charge, the health of the soldier would be better preserved, and the service of the country more effectually performed. No soldier is to be absent from his quarters, but under the conduct of a non-commissioned officer, who will be held responsible for

his conduct. The officers commanding corps will be looked to for the strict execution of this order.

May 24.—The mechanical parts of military life, depend much on habit; and habits of industry are as easily acquired as those of indolence, and they are certainly more salutary and more honourable. No man who is worthy to wear a military commission, will accept one in time of peace, unless he is impelled by the ambition to serve and excel; and he can do neither, but by constancy, perseverance, and an inflexible attention to every part of duty.

The commanding officers of corps are answerable for the appearance, and will be held responsible for the good conduct, of men and officers. The moment a judicious selection of ground can be made, the troops will be encamped. Officers commanding corps, are therefore requested to attend to the preparations heretofore ordered.

May 31.—A formal complaint being this day lodged with the General, touching the unfitness of the army provisions, for the subsistence of the troops, a survey must be had, conformably to the fourth article of the contract, viz: (here follows the article.) Colonel Parker is appointed on the part of the public to meet such persons as may be named by the contractor. The survey to commence without delay, and report to be made to the General as soon as it is finished.

June 11.—The same fatigue as ordered to-day is to be given daily, until further orders; to parade at 5 o'clock, and to be employed in extending the opening to the rear. The commanding officer, will regulate the labour of the men by the temperature of the weather, taking care not to expose them in such measure as to affect their health.

Nothing can be more pernicious to the health of the men than unripe fruits; the use of them is strictly prohibited, and the officers are called on to enforce this order.

June 13.—Bowers are to be made by parties from the daily fatigue, to cover the sentinels on post, from the rays of the sun.

The troops are forbid using water from the ditches, but must be made to procure it from the river.

Should the guards wait hereafter ten minutes, after the prescribed time for mounting, for either man or officer, the sentence of a general court martial must ensue. It is intolerable, that the fault of an individual should expose hundreds for hours to the burning rays of the sun, and the General will not permit it.

With views to the health of the men, the guards are to mount for 12 hours only—at six in the morning and six in the evening; the morning and evening calls as usual, notwithstanding. This special arrangement has been suggested by the climate and the season; it is temporary, and must not be considered as breaking down any established principle of service.

June 16.—The health of the soldier should employ the first attention of the officer. With this view, the introduction of ardent spirits has been forbidden the camp: and yet the order has been eluded, and much intoxication has been witnessed for several days past, by the incautious and indiscriminate mode of giving passes, and the co-operation of a citizen who has anchored himself in the vicinity of the camp. The General forbids all intercourse with the huxters, who may take post in the environs of the camp, either by land or by water, and he enjoins it on the officers of the day to make such arrangements of the guards as may effectually enforce this regulation.

June 19.—Great complaints being made of the flour issued to the troops, a survey is to be made to-morrow; and for this purpose the General will appoint a disinterested person to meet a similar character on the part of the contractor, to convene at 10 o'clock; a corporal and six men to attend for the purpose of aiding the inspection.

June 21.—The health of the troops should employ the strictest attention of every gentleman in commission, since a sickly camp instead of protecting the country, becomes a useless incumbrance on it; the life of the soldier may be considered the property of the state, and those who are placed over him, the depository of a sacred trust, which they are bound by every sense of feeling and honour to foster and cherish; a common soldier has no where to look for comfort or justice but to his officer, and to abandon or neglect him would look like the desertion of a comrade of honour and misfortune; the general has too much confidence in the principle and sensibility by which this corps is actuated, to believe that an instance of this kind can occur to tarnish its character.

June 22.—The officer of general police will examine the parades, streets and intervals of the camp, and the interior police of the respective corps, as to their modes of cooking, eating, and washing, and is to make report of all extraordinaries to the inspector.

The subaltern of the market is to have the superintendency of the daily sale of provisions to the camp, and will see that no impositions or abuse on the side of the soldiers, nor of extortion or breach of orders on the part of the market people, shall take place; he will report to the inspector also.

Cleanliness is not only conducive to health, but it is indispensable to it; a filthy camp, will become a sickly one, and therefore the officers of the battalion police cannot be too rigourous in the execution of their duty.

The men are pointedly interdicted eating in their tents; and neither bone, nor chip, nor rag, nor straw, nor any other matter is to be thrown in front of the tents or within the streets; tubs must be provided by companies to receive offal of every species, which is to be carried and deposited in rear of the sinks, in pits to be dug for the purpose.

Pioneers or camp-colourmen are to be appointed by the commanding officers of corps and detachments, who under the orders of the officers of police are to keep the camp clean. General fatigues are however to be occasionally made, in aid of the camp-colourmen, to secure the neatness of the camp.

June 27.—The brigade quarter-master will purchase, on the application of the surgeons, comforts and necessaries for the use of the sick and convalescents; the rations to be stopped, and due-bills taken, as heretofore ordered.

July 9.—Under impressions enforced by the foreign relations of our country; relations which, at this moment, are not essentially varied, this corps was sent hither, expressly for the defence of this remote, succourless territory, and the especial protection of its capital. After the most laborious scrutiny of every source of information, this spot presented itself to the General, as the most convenient and military one to effectuate, under all circumstances, the object of his orders; and the concurrent voice of the governor, and the most ancient and respectable inhabitants, proclaimed it to be one of the most salutary positions on the Mississippi.

Here, then, the camp, after due deliberation, has been pitched; and here it will continue until a change may be directed by the executive, or made necessary by some internal or external incident.

APPENDIX.

When a man accepts the sword of his country, he pledges himself to serve it, and to meet hardships, dangers, difficulties, and death, in every shape they may present themselves. To flinch in the moment of trial, from perils of whatever nature, indicates either an ignorance of duty, or something worse. The general flatters himself, that the repute of this corps, will never be tarnished by such indications.

Let us do more and talk less; let us banish idle speculations, and obey our orders with promptitude and precision, and we shall essentially promote our health and our happiness, and the service we have engaged to perform. If the commanding officers will, once in three days, examine particularly each tent, and correct the defects of its police; and if, in addition, he will, every other day, *visit every sick man of his command*, and see that the surgeons do their duty, cleanliness may be introduced, and health will follow. At present, the police of the camp is horrible; the repeated orders on that interesting subject, have been almost totally neglected; and yet we marvel that men should be sick.

July 13.—A house has been procured, to receive the sick of the left wing, and Doctor Thurston will be pleased to occupy it accordingly. Captain Bentley* has made a very sensible and just report of the police of the camp, well

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* *Copy of Captain Bentley's (Police Officer) Report.*

CAMP TERRE AU BOEUF, JULY 12th, 1809.

Sir.—Yesterday, as officer of the police, I visited the camp twice, which occupied most of the day.

I am extremely sorry, that it is not in my power, to make a more favourable report, with respect to its police.

The whole camp abounds with filth and nastiness of almost every kind; the trees in front of the camp, appear to have become as common in the course of the night, as the sinks themselves; and many of the kitchens are used in the same manner. I know of but one way to remedy this evil, and that is, to place a centinel in front of each corps during the night, from their respective quarter guards, and to suffer no one to pass out in front; and another in rear, in a line with the kitchens.

The kitchens are generally in a very bad state; in some instances holes have been dug to form them, which have become the receptacle of all manner of filth, and on the left of the dragoons, it is not uncommon to see men in the day time, easing themselves within a few yards of the kitchens!

I beg leave to suggest the propriety of procuring necessary tubs for the use of the sick, who are not able to go to the sinks. The sewers have become the receptacle of stinking meat, refuse of vegetables, old clothes, and every species of filth.

It is necessary that a number of new sinks should be dug, in place of those covered, and those that ought to be covered.

You will be assailed with a very unpleasant smell, in walking down the levee, from the front to the flank guard.

It is no uncommon thing to see four or five men and women easing themselves at the same time, on the farthermost side of the levee.

Was a premium to be awarded to the company having the greatest quantity of filth about it, I should be at a loss whether to give it to one of the two com-

worthy the inspection of the commanding officers of corps. When will gentlemen determine, to give some attention to cleanliness and cookery, without which, it is vain to look for health? When will the officers of interior police, and camp-colourmen, be appointed, and put to duty? When shall we begin to sweep the front, the rear, and streets of the camp? When to bury or burn every species of offal? When to prevent men and women, from easing themselves where they please? Fatigued and disgusted with the repetition of orders, the general will appeal to the feelings, the duty, and the interest of all concerned.

July 16.—The company officers are enjoined to pay attention to the sick. Where can the languid, weak, suffering soldier look for comfort and support, so properly, as to his immediate commanding officers, whose life and fame are to depend on his health, his vigor, execution and fidelity. The relation is analogous to that of a child and a parent, and the gentlemen of this corps will not be found deficient in justice, humanity or affection, toward the common soldiery, who are bound to fight under their orders, and to bleed and die in their presence.

July 24.—The neatness and cleanliness of the camp, does credit to the corps; and by steady perseverance, no doubt can exist, that it will contribute essentially to the health and comfort of the troops.

Our fatigues are nearly at an end; it remains, however, to cover our guards and sentinels with bowers; and this must be commenced to-morrow.

July 26.—The health of the troops has occupied all the attention of the general; it constitutes his first object, and highest interest; to effect it, he has spared neither pains, reflection, nor expense. The appearances of a few days past, flatter his wishes and his hopes. Much, however, remains to be done, in regard to the police of the camp, and the accommodation of the guards; and his vigilance, shall be correspondent to his duty, and the solemn trust reposed in him. Whatever may be salutary, shall be either furnished or permitted; any thing else will be refused and prohibited.

Several men have lately lost their lives, by excesses which their officers are bound to prohibit, and which the general will prevent by every means in his power. A feeble convalescent, after a long struggle with a wasting disease,

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panies on the right of the 5th, or to one of the dragoon companies: perhaps the two companies on the right of the 3d, might, with some propriety, contend with some of the rifle companies for an inferior prize.

The burying ground requires immediate attention; the lids of many of the coffins are but very little, if any, below the surface, and covered with but a few inches of earth; the stench arising from the burying ground is sensibly observed on the left of the dragoons.

With respect, &c.

(Signed) JOHN BENTLEY, *Capt. Officer Police.*

Colonel Beall.

War Department, June 28th, 1810.

I do hereby certify, that the foregoing is a true copy from the original on the files in this department.

L. EDWARDS, *Clerk.*

rises from his bed; the powers of nature are almost exhausted; he totters over the grave, and is as feeble and almost as helpless as an infant. How many objects of this kind have we beheld; and can a company officer look on such a spectacle without emotion? The general hopes not. It has recently happened, within the general's knowledge, that two men thus circumstanced, crawled to the market; one bought a catfish, the other, a number of cucumbers. This crude, gross food, was crowded into stomachs incapable of digesting but the most delicate aliment; spasms ensued; and a sudden death followed. Let the men profit by such sad examples.

August 22.—The character of the corps requires, that it should leave a clean camp for the inspection of the friends or enemies of the army, who may inspect the ground, after it is abandoned. A rigid police is therefore to be observed, and the front and rear are to be kept equally free from every offensive matter. The general looks to the pride and self love of the corps, for strict attention to this injunction.

Camp Terre au Bœuf, September 5.

Returns to be handed in to the inspector, to exhibit the officers and men able to march, the convalescents and the sick. The corps will be held in readiness to strike the camp at the shortest notice. The surgeons are to have their medicines and stores in readiness for embarkation.

The general calls on the officers of all ranks, to contribute every thing in their power, to aid Ensign M'Cormick in equipping the boats.

September 7.—The general, when ordered to change his position, was instructed by the secretary of war, to rely exclusively on the gun-boats attached to this station for transport; and to this cause must be ascribed the delays which have ensued: whatever may, however, be the merit of his dependence on this source, the order for the movement being given, the execution must follow, in the manner most comfortable to the troops, and most practicable by the means which the general commands.

The 3d regiment will, this day, at the discharge of a cannon, strike camp, and embark on the boats prepared to receive it.

New Orleans, September 19.

The illness of the general puts it utterly out of his power to accompany the movement of the troops at present; they will therefore proceed to-morrow morning without him, and every individual, not otherwise ordered, will join his respective corps.

It is expected, in ascending the river, that every attention will be paid to the health of the troops, and that great care be taken, that no injury is done to the persons or property of the inhabitants on the banks of the river.

In consequence of instructions received at the military agent's department, from the secretary of war, no purchases are to be made, in the hospital department, of fowls, eggs, foot-mats, porter, or wine which may cost four or five dollars per gallon.

True copies from the orderly book.

N. PINKNEY, *Captain.*

No. CVIII.

TESTIMONY OF COLONELS MILTON AND BACKUS, AND CAPTAIN GIBSON.

Lieutenant-colonel H. V. Milton, sworn on the part of the prosecution, and examined by the judge advocate.

Question.—At what time did you first hear or understand, that there was any order from the war department for removing the troops up the river, or that there was any preparation or intention on the part of the General to carry any such order into effect?

Answer.—I do not recollect having heard at any time before I left Terre au Bœuf, which was the last of July or early in August, of any order from the war department, upon the subject of removing the troops; nor do I recollect of having heard of any preparation or intention on the part of the General, to remove the troops before the general order from head quarters came out.

[*Cross-examined by General Wilkinson.*]

Question.—Do you know of any address, signed by any of the officers, to the General, while at Terre au Bœuf, to remove from that camp up the river; and had you any conversation with Major, then Captain, Darrington, on that subject? Be pleased to state it particularly.

Answer.—Some time between the 5th and 10th July (not positive as to the date,) Captain, now Major, Darrington, then senior Captain in my regiment, came into my tent between 3 and 4 o'clock in the afternoon; he informed me that the officers were signing an address to the General, for the removal of the troops from Terre au Bœuf. I told him that I thought it a very unmilitary step, and every man concerned in it ought to be punished. I told him I thought it my duty to see that General Wilkinson was informed of the steps taken by the officers, and directed him to accompany me to the General for that purpose. Captain Darrington told me he had signed the address, but I never saw it—it was kept a secret from me till it had gone through the officers of my regiment. Captain Darrington and myself walked out together, met General Wilkinson walking with Captain Swan. I mentioned the subject to General Wilkinson, and referred him to Captain Darrington; they had then some conversation, a little on one side, to which I did not attend, being at the same time engaged in conversation with Captain Swan. It appears to me, that Captain Darrington had been impressed with the idea, that such an address was wished for by General Wilkinson, and that he would consider it as sufficient grounds for him to order the removal. It appeared to have been the intention that the address should be passed through the line without being shewn to me, but Captain Darrington mentioned to me that he could not feel easy after having signed it without informing me. In consequence of my being informed of it, and the steps I took upon receiving that information, no farther signatures were obtained.

Question.—Did Captain Darrington afterwards inform you, what had passed between himself and the General after you left them, and how long were they together?

Answer.—They were not more than three minutes in conversation. I do not recollect that Major Darrington ever mentioned to me what passed.

Question.—Were not the troops, both officers and men highly pleased with the position at Terre au Bœuf for several weeks after their arrival there?

Answer.—I cannot say for several weeks,—they were so upon their arrival there, and for some short time afterwards.

Question.—Did you consider Captain Darrington the enemy of General Wilkinson, before he left the cantonment at Washington, Mississippi Territory, in 1810?

Answer.—I was induced to suppose from the conversation of Captain Darrington among the officers, that he was unfriendly to General Wilkinson.

Question.—What was the conduct of General Wilkinson to the sick and the well of the troops under his command at New Orleans and Terre au Bœuf?

Answer.—He was very attentive;—more so perhaps than many officers who commanded companies and corps.

[*Again examined by the Judge Advocate.*]

Question.—What was the quality of the provisions, including flesh meats and bread stuff, issued to the troops, by the contractor at Terre au Bœuf?

Answer.—Frequently the flour and pork issued to the troops were of a bad quality, and were frequently refused by the officers of corps. I did myself, in several instances, return the provisions issued to my men. It appeared as if there was some *neglect on the part of the quarter-masters, as to the provisions received by them, for several times when I have returned bad provisions, good provisions have been sent in their place.*

Question.—Were the supplies of fresh provisions abundant or scarce?

Answer.—We were frequently in want of fresh provisions, but cannot state the particular periods when they were furnished, or when deficient.

Question.—What was the quality of the fresh provisions with which you were generally served?

Answer.—Generally bad.

Question.—Could you generally procure good provisions in the place of the bad, when you returned the latter?

Answer.—There were times when I could not procure good flour for my men by any means, and sometimes when good pork could not be got in return, I would not, in respect to the pork, be positive.

Question.—When you speak of the provisions being bad, &c. do you mean that they were so bad as to be unmerchantable and unwholesome?

Answer.—They would have been pronounced so in the market.

Question.—Can you state whether the complaints of the troops, both officers and men, against the quality of the provisions, were loud and general, during their stay at Terre au Bœuf?

Answer.—They were.

Question.—Were you acquainted with the circumstance of the men throwing away the provisions issued to them?

Answer.—I have frequently seen the provisions in situations which induced me to believe they had been thrown away.

Question.—What was your opinion of the effect of the provisions issued to the men upon their health?

Answer.—I have no doubt that the health of the men was much injured by bad provisions; and if the sick had been furnished with proper nourishment, I have no doubt many deaths might have been prevented.

[*Cross-examined by General Wilkinson.*]

Question.—Can you recollect when you left Terre au Bœuf?

Answer.—The last of July or early in August.

Question.—Were not orders given by General Wilkinson to the brigade quarter-master, to provide provisions and comforts for the sick and convalescent?

Answer.—I do not recollect whether any order was issued to that effect. I know the quarter-master was so employed, and I understood by General Wilkinson's order; nor can I say how far the quarter-master was authorised to go in procuring the necessaries in question. All I know is, that he was or appeared to be engaged on that duty.

Question.—Were not poultry frequently purchased and brought down from New Orleans for the use of the sick and convalescent?

Answer.—Yes.

[*Again examined by the Judge Advocate.*]

Question.—How long did you remain with the troops after you joined your regiment above New Orleans, on its march to the Mississippi Territory?

Answer.—Till they reached Point Coupée, between 8 and 12 days.

Question.—Was there sufficient room in the boats to accommodate the men in their then condition?

Answer.—There was not sufficient room for more than half the number.

Question.—What was the condition of the greater part of the sick who ascended in the boats from New Orleans to Point Coupée? Were they fit subjects for removal; or was it manifest, in your opinion, that the care and rest of an hospital was necessary for their recovery?

Answer.—Their situation was a deplorable one. I considered them altogether unfit subjects for removal, and that care and rest were absolutely necessary for them.

Question.—Did the men experience any great aggravation of their sufferings from being crowded into boats, not more than one-half sufficient (as you have stated) for their accommodation; and what privations of medical aid, or other necessary attention, ensued to the sick?

Answer.—They certainly suffered greatly for want of room, and the surgeons declared the medicine could be of little service to the men, as they could not, on account of their crowded and inconvenient situation, receive the attentions necessary for men under the operation of medicine.

Question.—Was there any general order regulating the manner of selecting the sick for the hospital in New Orleans, and limiting the number to be selected preparatory to the troops proceeding to the Mississippi Territory; if no given number was prescribed in the order, nor any specific rule laid down as to the manner of making the selection, what was the principle upon which the order was practically executed in detail and the number regulated?

Answer.—I cannot say, having been absent on account of indisposition.

Question.—What was the situation of the troops in respect to clothing, medicines and hospital stores, as they ascended the river, and after their cantonment at Washington?

Answer.—I cannot say that the troops suffered for want of medicines in their ascent of the river; the surgeons remarked, that the men were so situated, that medicines would be of little service to them, being so much crowded in the boats, that they could not receive the proper attention. I do not recollect what was the state of the supply of medicines and hospital stores at the cantonment,

at Washington; recollect of no complaint on the subject; cannot answer as to the supply of hospital stores; during their ascent of the river, my own state of health was such, that I could not attend very particularly to such matters; they were in great want of clothing on their march from New Orleans to Washington, and for some time after their arrival at the latter place.

Question.—What was the state of the funds in the hands of the brigade and regimental quarter-masters, for the contingent expenses of the troops on their march; was there any representation made to the prisoner on that subject, or concerning the insufficiency of the transport, and the hospital provided for the troops preparatory to the movement from New Orleans to the Mississippi Territory?

Answer.—As I have stated, I did not join the troops, till they were two or three days on their march; of course I knew nothing of the previous arrangements for the march. As to the funds, I believe the quarter-masters were not furnished with any for the support of the army on their march; and that belief is grounded on a conversation between General Wilkinson and myself, before I left New Orleans, to join the army. At the time the army lay opposite New Orleans, I was in a convalescent state, and expected to be able to join the troops in a few days, perhaps before they should leave the post they occupied opposite the town. I called upon General Wilkinson, stated to him my intention of joining, told him as I should be senior officer of the detachment, and of course command it, it was necessary for me to ask for his instructions; he answered, that I should be guided by those already received by Major Backus, whom I should relieve; I then asked him what funds there were for the support of the army on its march, and to defray any incidental expenses which might arise; he answered, there was not a cent; I asked him what had become of the money arising from the sale of the public horses; his answer was, that it had been applied to a thousand uses, or words to that effect; this was all the conversation that then passed between us upon that subject.

Lieutenant-colonel Electus Backus, of the dragoons, sworn on the part of the prosecution, and examined by the judge advocate.

The witness being examined especially touching the circumstances attending the removal of the troops from New Orleans to Terre au Bœuf, and the situation and manner of their encampment at the latter place—answers,

I arrived in New Orleans about 10th May, 1809; remained there till the first part of June, the day not recollected. Having just joined the army, and not doing much duty in the city, cannot say what proportion of the army was fit for duty, or what proportion was sick; during our stay in New Orleans there was a number sick, cannot say how many; some companies sickly, others not so much so; the detachment under Major Pike, went down to Terre au Bœuf, early in June; I was ordered there on a court martial, and some days afterwards the main body moved down, which arrived at Terre au Bœuf, between the 10th and 12th, not positive as to the day; Major Pike's detachment consisted of eight or nine companies, know not the exact number; that detachment employed in clearing the ground, digging trenches to clear the water; the detachment was constantly employed; I cannot state the precise number employed, nor the manner in which they were regularly detailed for duty; in-

formed by the officers, that they were all employed in preparing the encampment; at the time of this movement, the waters of the Mississippi were high, so high as to overflow its banks, and break through in some places; the height of water materially affected the ground chosen for the encampment, making it wet and muddy; I suppose the water was at least three feet higher than the ground of our encampment; about 200 yards, the ground was marsh and swamp; while the troops were engaged in this labour, the season was extremely hot; it appeared to me that the degree and constancy of labour, required to clear and prepare the encampment, was very injurious to their health; the marsh and swamp in rear of the encampment, extended from right to left; the rear of the right was thought to be more swampy, and to have more water standing than in the rear of the left; the right of the camp was an old field; on the left, for about two-thirds of the distance, the ground was covered with wood and timber of various sorts, and a great quantity of under-brush; the cleared ground on the right was sodded over with grass, but not dry; the woody ground to the left was very wet before it was cleared, and continued so for some time after we encamped; observed no difference in the level of the ground on the right and left; the water run in front from both wings to the centre, where it was received in a ditch, by which it was carried back into the rear of the encampment into swampy ground; some time after the whole army was encamped, I think some time in July, a large ditch was cut in the rear, where the wettest ground commenced, which received the drain from the camp; afterwards two ditches were cut in front of the tents; the second of those ditches extending the whole length of the line; from them cross-ditches, passing through the spaces between the regiments, and emptying into the large ditch in the rear, which was cut after the cross-ditches; these ditches were generally full of water, till the river fell below the level of the levee, and afterwards whenever it rained; the river fell some time in July; the latter part and almost through the whole of July there were heavy rains; the ground was very wet and muddy while it continued raining; the troops had no other shelter but their tents, and arbours of palmetto between the tents; the boats in which the troops were transported from New Orleans were broken up, and flooring for the tents made of them; a part of the troops were from three to four weeks without this flooring to their tents; the ground floor of the tents, until supplied with flooring from the boats, was very wet and muddy.

Question.—Did you observe any material change for the worse in the health of the troops, after they removed to Terre au Bœuf?

Answer.—Two or three weeks after the removal of the troops, the sickness increased daily, especially after the rains set in, and the fatigues commenced.

Question.—According to your observation, did the great and unusual labour and fatigue, the troops had to undergo in cleaning and draining, and other necessary preparations of the encampment, under the disadvantage of the great heat then prevailing, and the sickness of the season, tend to injure the health of the troops?

Answer.—Yes, together with the bad provisions; their sickness was attributable to many causes, those among the number; it was extremely difficult to keep the encampment clean during the rains, and for some time after; in dry weather it was more easily kept clean, until so many of the soldiers were down, and unable to move any distance from their tents to obey the necessities of nature, then it became extremely filthy; the time that I allude to as productive

of so much filth from the sickness of the soldiers, was in the month of August; during the whole period of our stay there, the filth was extreme in rainy weather.

Question.—What appeared to be the situation and facilities of Terre au Bœuf, and its immediate neighbourhood, for procuring supplies of fresh provisions?

Answer.—When we first went down to the encampment, supplies of the smaller articles of fresh provisions, such as poultry, vegetables, &c. might have been obtained, but not a sufficient supply; for a considerable time before our removal from thence, those articles were not to be procured on any terms, that is, not a supply; the officers sometimes sent their servants into the country to procure them, and found them very scarce and at most exorbitant prices.

Lieutenant-colonel Backus further deposed, that the soldiers suffered greatly for want of clothing; the complaints on that subject commenced in August; the new clothing which arrived at New Orleans for the troops, was taken up the river when the army moved, and was not issued till the troops reached Washington, and then a considerable part of it was found to be very incompletely made up, some wanting buttons, some not properly sewed, but just basted together, and some of the coats not having the linings sewed in.

Question.—Was there any order, for a selection from the troops about to be moved up the river, of such as were unfit subjects for removal, and proper subjects for the hospital, and how was that order executed?

Answer.—While we lay opposite New Orleans an order was issued, for sending such of the men, as were too ill to proceed, to the hospital in New Orleans; the selection was directed to be made, under the inspection of three surgeons: perhaps the order mentioned what number of men should be taken out; if so, I have forgotten the number.

Question.—How many men were under that order removed to the hospital?

Answer.—I do not recollect how many; the surgeons stated the cases which were unfit for removal were so numerous, and so far beyond what the hospital could hold, that there was great difficulty in making the selection; all the men selected were sent in one boat, and I think amounted to between thirty and forty, but uncertain as to the number; there were some sent to the hospital at New Orleans before we left Terre au Bœuf, but cannot say how many.

Question.—After the number selected by the surgeons and sent to the hospital, did a great number still remain, who were thought by the surgeons too ill to be moved, but who were left because the hospital could not accommodate them?

Answer.—There was; it appeared that the selection was conducted by the surgeons upon that principle.

Question.—What time was the encampment at Terre au Bœuf broken up?

Answer.—The troops left there by corps; the rifle corps the last of August, or the first of September, went up the river in gun-boats, and did not again join; the other corps followed in a few days, and rendezvoused between Terre au Bœuf and New Orleans, and halted there two nights and a day, and then proceeded about two miles above, (as I judge) on the western bank, where we remained three or four days, and were then joined by the light artillery. General Wilkinson remained at Terre au Bœuf, till the troops had assembled at the rendezvous; he then proceeded to New Orleans, after calling at the rendezvous; the next morning after our halt before New Orleans, I visited the General at his quarters, received some directions from him; after we had encamped

two miles above, I again saw him in New Orleans: when he passed the rendezvous between Terre au Bœuf and New Orleans, he complained of indisposition, and when I saw him afterwards in New Orleans, he appeared to be very ill.

The witness being then examined especially concerning the kind and quality of the provisions issued to the troops, as well at New Orleans as after their arrival at Terre au Bœuf, deposes,

It did not fall immediately under my observation, before leaving New Orleans, what was the quality of the provisions issued to the troops; I lived at some distance from my regiment, and heard no complaint; I did duty only for a few days previous to leaving New Orleans; soon after our arrival at Terre au Bœuf, the murmur became very general against our provisions; I examined them myself, and found them bad; we found most difficulty in obtaining good flour; it was generally mouldy, lumpy, and sour; there were some complaints before, but from about the 1st July, it was generally very bad, as long as we staid; sometimes it was a little better. General Wilkinson mentioned to me, that he had purchased one hundred barrels on account of the contractor; I examined some of it which the contractor's agent shewed me; it appeared to be merchantable good flour; there was however some complaint of it afterwards; I think this purchase was made in July, but not positive; it was a considerable time after we had been there, it might have been as late as August; a considerable quantity of the flour issued to the soldiers was corrupted and totally unfit for use, so much so, that they would often throw it away, and bury it in heaps under the ground; after we had been there some time, issues of bread commenced, but the establishment was not sufficient to supply it, and we were occasionally obliged to draw flour; the bread was generally sour, and differed but little in quality from the flour; a great proportion of the salt meat, consisting principally of pork, was bad, so bad that the soldiers would not eat it; it was rusty and mouldy, and I considered it unfit for use; sometimes we had it of a merchantable quality; it varied more in quality, from time to time, than the flour; it was some time in July, before there was any considerable issue of fresh meat, some little had been issued before; I heard General Wilkinson remark, that he had ordered the contractor to furnish fresh meat; that order was made some time in July; I am not certain whether the order directed it or not, but I am positive I heard the General say, that the fresh meat should be issued three days in the week; from that time we had fresh meat, more or less, every week; in two instances that I recollect, the fresh beef provided by the contractor was condemned upon inspection, and the men drew salt meat in the place of it; the fresh meat actually issued to the soldiers was sometimes very bad, and in my opinion unfit for use; I thought a very considerable quantity of the provisions, both bread stuff and meats, that were actually issued to the soldiers, very unwholesome, and likely to endanger the health of such as should consume them.

Question.—Did you observe any of those more loathsome diseases, such as generally proceed from want of wholesome food and cleanliness?

Answer.—They were generally subject to very sudden attacks of disease; insomuch, that it frequently happened, that men detailed for duty in the morning were obliged to be relieved, on account of sickness in the course of the day; there was not much scurvy in my corps; in August and September, that disease was the most general among the troops, and continued till winter.

[*Cross-examined by General Wilkinson.*]

Question.—Be pleased to mention to the court, the commissions you have

borne in the service of the United States, the corps in which you have served, and the periods during which you have done duty?

Answer.—The first commission I held in the service of the United States, was that of a major of cavalry, appointed October, 1808; about eighteen months afterwards, promoted a lieutenant-colonel in the said corps; in January, 1809, was ordered to proceed to New Orleans, under command of General Wilkinson; joined the army at New Orleans, 10th May, 1809, and remained with it, until the middle of February, 1810; have not been on duty since.

Question.—Was there not a charming shade along the front, extending to the right and left of the centre of the encampment at Terre au Bœuf, furnished by a grove of majestic live oak trees?

Answer.—There was.

Question.—Did not the troops appear to be much pleased with the position at Terre au Bœuf, for some time after they left New Orleans?

Answer.—The troops on the right, as far as the sod and the shade extended, appeared, for the first month, well pleased with their situation; those on the left were dissatisfied from the commencement.

Question.—Do you not believe, that the discontent among the troops was increased by the expectation they entertained, of being discharged in case there should be no war, and by the seditious murmurings of certain officers?

Answer.—I do not.

Question.—How much ground do you imagine was embraced within the guards of the camp?

Answer.—I cannot tell precisely.

Question.—Of this tract how much was cleared for the accommodation of the troops?

Answer.—There was but little of ground but what was cleared.

Question.—Were not the trees left standing within the limits of the camp, and the clearing confined to the saplings, underwood, brush, briars and palmetto?

Answer.—The large trees were ordered to be left.

Question.—Did not the troops go beyond the chain of sentinels for their cooking fuel, before we left camp Terre au Bœuf?

Answer.—Yes.

Question.—Were any of the regiments destitute of medical assistance, and did many of the soldiers perish in consequence?

Answer.—The regiment I belonged to was destitute of a surgeon for a great part of the time, and I frequently knew men to be taken ill, and some to die, without receiving, to my knowledge, any medical assistance; surgeons at different times, were ordered to attend our corps, and one was hired from the country; Dr. Goodlet and others, occasionally attended, but there were considerable intervals in the periods of their attendance upon my regiment.

Question.—Be pleased to say, what corps were thus circumstanced, and what was the number of men who thus perished?

Answer.—I know the surgeons were frequently shifted in other corps, but cannot positively say how long any of them were without surgeons. I knew of one man of the name of M'Carty, belonging to our corps, who was taken ill and died, for whom no medical assistance could be procured during his illness.

Question.—Did not the General use every exertion, to supply the defect of medical assistance, and employ private physicians for the purpose?

Answer.—I believed so at the time.

Question.—Did any of the medical gentlemen at Terre au Bœuf, declare that the flour was such, as to destroy the soldier, independent of any other cause?

Answer.—They did.

Question.—Will you be pleased to name the gentlemen who made this declaration?

Answer.—Dr. Dunham and Dr. Cutler, both declared that the provisions were so extremely bad, that they were sufficient to kill the men.

Question.—Were not tents ordered to be drawn, and pitched in the rear of the line, for the accommodation of the sick, and were they ever refused for that purpose?

Answer.—There were tents drawn for the purpose. I know of no refusal.

Question.—Did not the General rent a small house for the use of the sick, and was there not a roomy hospital erected as soon as it was practicable?

Answer.—I did understand a small house was rented, and a few of the sick placed in it for a time; never visited it; there was an hospital built, and a small proportion of sick removed into it; I was informed about eighty.

Question.—Did not the General use every exertion to procure comforts and necessaries for the sick, and also fresh meat for the well, until the contractor began to furnish?

Answer.—The General appeared to use every exertion as far as I could discover.

Question.—Were not orders given to the military agent and the brigade quarter master, to supply stores, provisions, comforts and necessaries for the use of the sick and convalescent?

Answer.—Such orders were given while we were at Terre au Bœuf.

Question.—What was the General's conduct, at camp Terre au Bœuf, to the sick and to the well officers and men, in relation to all the duties of an officer, a soldier, and a man?

Answer.—The General was very attentive to the sick; he did as much as could be expected of a general officer.

Question.—Were not several officers who were most ill, carried to the General's quarters, and attended there by the surgeons; and do you not believe he contributed, by every means in his power, to their comfort and cure?

Answer.—I know two who lay there for some time; Colonel Russell and a subaltern.

Question.—When the troops took the field in June, were not the tents new?

Answer.—They appeared to be.

Question.—Will you say, Sir, what is the rule of service, with respect to the supply and distribution of tents to an army in campaign for a single season?

Answer.—One set of tents is generally supposed to be sufficient.

Question.—How long were you on duty in New Orleans; and did you, during that period, hear any complaint of the provisions?

Answer.—I did no duty from ten days to a fortnight before leaving New Orleans; do not recollect any complaints about provisions, before leaving there.

Question.—How soon after the arrival of the troops at Terre au Bœuf, did they begin to complain of the provisions?

Answer.—Some time in July.

Question.—Will you say when the contractor began to furnish fresh beef to the troops; was there not a constant supply afterwards while the troops lay at

Terre au Bœuf, and when you marched, did not a drove of bullocks accompany you, driven by the contractor for the supply of the troops?

Answer.—I cannot state the precise time; perhaps July, but not positive; we had fresh beef before; it was not a matter within my knowledge who furnished it; from some time in July till we left Terre au Bœuf, there was fresh beef generally on hand; a drove of bullocks did accompany us on our march.

Question.—Were not frequent inspections of provisions made, by order of the General, and were not frequent condemnations made also?

Answer.—I heard of one inspection, and was present at another; in both the meat was condemned.

Question.—Did not the General, in person, frequently visit the contractor's store, and by his orders and personal exertions, manifest his anxiety for the comfort and accommodation of the troops?

Answer.—I frequently saw him there, and his anxiety appeared to be great, for a supply of good provisions; to that effect his orders led.

Question.—You have said the pork was sometimes merchantable, sometimes middling, and sometimes so bad, the troops could not use it.—Pray, in such cases, were the whole of the contractor's provisions overhauled for that which was sound, and was there ever any order given, verbally or written, to oblige the troops to receive defective provisions?

Answer.—Not to my knowledge.

Question.—Where not orders issued by the General, at camp Terre au Bœuf, immediately after the troops took up that ground, directing the quarter-masters of corps, without fail, to attend to the drawing of provisions, and to the company distributions?

Answer.—There was an order to that amount; not certain as to the time.

Question.—Were not the cautions and precautions of the General, in relation to the health of the men, as respected the use of particular kinds of aliment, very frequent, and were not his exhortations to the officers on the same subject, as frequent?

Answer.—Yes.

Question.—When were the troops first advised, by general orders, that they might draw fresh provisions and good flour, after their arrival at camp Terre au Bœuf?

Answer.—I do not know.

Question.—At what time, after the troops reached Terre au Bœuf, was the contractor ordered to furnish fresh beef three days in each week?

Answer.—Sometime in July, but not positive.

Question.—Was not the contractor ordered by the General, to furnish fresh beef daily, until further orders?

Answer.—Not positive.

Question.—Did not Colonel Parker command the camp at Terre au Bœuf some days in the month of June, and was he ordered to cause fresh meat to be bought, in case the contractor should fail to supply, agreeably to orders?

Answer.—He commanded there some time in July; know not under what orders.

Question.—How many guard houses were built at camp Terre au Bœuf, and what was their construction?

Answer.—There was one, consisting of crotches, set in the ground, and co-

vered with palmetto; there were other places occupied by the guards, consisting of tents and sheds.

Question.—Were not such houses necessary to the health and comfort of the troops?

Answer.—Yes.

Question.—Were not shelters for the sentries also necessary to the health of the men?

Answer.—Yes.

Question.—You have mentioned two ditches in front of the camp. Pray, were they dug by the troops or the citizens?

Answer.—The first, as I understood, had been dug before, and was cleared out and enlarged by the detachment; the other was cleared out, straightened, and enlarged one half by the troops!

Question.—Do you recollect, on a particular occasion, General Wilkinson's remonstrating with you on the miserable condition of your police, and your replying you could not help it, because if you said any thing to your officers about it, they immediately raised a clamour, or words of such effect?

Answer.—I recollect General Wilkinson's complaining of the police, but have no recollection of making him any such answer.

Question.—Do you recollect the General's reply?

Answer.—I recollect on one occasion, your saying, if the police was not better attended to, you would transfer the dragoons, and send the officers away.

Question.—You have stated, that the water of the river was about three feet higher than the level of the camp. Pray, was not this generally the case in that country, and even at the city of New Orleans?

Answer.—I think so.

Question.—What distance was the centre of the camp from the bank of the river?

Answer.—When the water was at its height about ten rods, when low from thirty to forty.

Question.—At what time did the rains cease, and the ground of the camp become firm; and did the camp afterwards become filthy?

Answer.—The rain ceased some time in July; when the rains stopped, and the river fell, the camp became dry; in August, after the sickness had greatly increased, the camp became extremely filthy, principally on account of the distance of the sinks from the tents, and the men being too weak to go to them.

Question.—Did not the palmetto bowers, erected between the tents, effectually screen the men from the rays of the sun?

Answer.—Yes, from the rays of the sun.

Question.—At what period did the corps of your command receive their pay for the months of May and June?

Answer.—Some time in July; not positive.

Question.—What is the rule of service, with respect to responsibility for clothing, arms, and accoutrements; is the General responsible, or the commanding officers of corps or of companies?

Answer.—For the clothing, I suppose the commanding officers of companies are responsible.

Question.—When a soldier sells or destroys his clothing, does not the public

furnish a supply, or is it the duty of the General to do so, or what is done in such case?

Answer.—If at all, at the soldier's expense.

Question.—Were not orders issued at camp Terre au Bœuf, directing returns to be made to the brigade quarter-master, for clothing; and was not clothing issued to satisfy such returns as were handed in?

Answer.—There were such orders, and some clothing was issued, but a sufficiency could not be obtained. The General observed to me, that so much was not due.

Question.—Was not a quantity of clothing carried from camp Terre au Bœuf up to New Orleans, about the time the troops moved?

Answer.—I understood so.

Question.—Who, did you understand, was the proprietor of the land on which the troops were encamped at Terre au Bœuf, and was he, to the best of your knowledge, in any degree related to, or connected with, General Wilkinson, or the family of his present wife; and do you know, or have you any reason to believe, that there was any speculation, contract, or bargain, between them, which induced General Wilkinson to select that spot for the encampment?

Answer.—One De Lassize. I know nothing of his connexions, and have no reason to believe there was any such bargain.

Question.—What was the quantity of land, and how long was it occupied for the encampment at Terre au Bœuf; and were there not houses on the land belonging to the proprietor, also occupied for the use of the troops; and was not pasturage and firewood also, furnished from the said land for the use of the encampment; and do you know what was the rent paid, by the brigade quarter-master, to the proprietor, for the use of the said land, house rent, pasturage, and fire wood?

Answer.—An house, and offices belonging to it, were occupied by General Wilkinson; the horses were pastured, and firewood was got from the land, for all which, I understood from the quarter-master, he paid five or six hundred dollars.

Question.—Were not the buildings which were erected at the public expense, at Terre au Bœuf, as well as the plank and boards left there, sold by General Wilkinson's orders, for the benefit of the United States, when the troops were removed from that station?

Answer.—I was informed so by the quarter-master.

Question.—At what time did the troops leave the camp at Terre au Bœuf; when did they reach the cantonment at Washington, and what was their condition in point of health at that time?

Answer.—The movement from Terre au Bœuf commenced about the 1st Sept.; reached Natchez between the 20th and 30th October; the troops very much down and sickly.

Question.—How long was it, after the troops reached Washington, before they received their pay?

Answer.—There was only one month's pay received before I left there, which was advanced by General Hampton in January. Mr. Knight, the paymaster, arrived only a few days before I left there.

Question.—You have said, that at Washington, in the Mississippi Territory, the troops were much relieved by a plentiful market of fresh meat and vegeta-

bles. Will you be pleased to say, how they procured money, to avail themselves of this market?

Answer.—When I mentioned that fact, I did not mean that every individual was, in fact, plentifully supplied, but that there was abundance, of those articles at a moderate price, and that those who had the means, had the opportunity of an abundant supply; also the inhabitants sent milk and vegetables for the sick, and many of them desired the doctors to send for such of those articles as were necessary, promising to supply what they could spare, as I was informed by the surgeons.

Question.—How did you find the ground at Washington, and will you be pleased to say, how much was cleared for the cantonment by the troops after their arrival there?

Answer.—The ground on which the huts were built, was heavily wooded, and there was a great deal of underbrush; I cannot say how much was cleared; it took a large piece of ground.

Question.—Will you say, whether the fatigues of the troops were more general, or more oppressive at Terre au Bœuf, or at Washington?

Answer.—At Terre au Bœuf the fatigues were more oppressive, the men working in the heat, and in the mud and water; at both places, all that could work, were employed.

Question.—Be pleased to inform the court, whether the deaths among the troops, were not greater at Washington than at Terre au Bœuf?

Answer.—Much greater at Washington.

Question.—When and where did the light artillery join the troops on their march up the river?

Answer.—I think they joined us at our stopping place above New Orleans; precise time not recollected; a detachment was sent down to assist them up; their boat had sunk.

Question.—Was not the repair of the boats a necessary cause of the halt near New Orleans, and did not the troops move as soon as the repairs were made?

Answer.—I suppose that to be one of the causes; some of the boats proved unfit for use, and others were got in their place.

Question.—What time would it have required to have landed, opened, assorted, and distributed the clothing to the troops when near New Orleans?

Answer.—I suppose two days.

Question.—What would have been the effect of making such a distribution at the time and under the circumstances of the troops? Would it not have increased their burdens in ascending the river, and could the men in their enfeebled condition have been able to take care of it?

Answer.—I suppose that a general issue and full delivery of all the clothing among the men would have been burdensome to them, and that a part of the clothing would have been lost or injured.

Question.—Do you know whether the officers were desirous to receive their clothing or not, at that time!

Answer.—Many of them were not.

Question.—Do you think a man could suffer much for want of clothing in ascending the Mississippi, in October?

Answer.—Not for want of woollen clothing; several mentioned that they would like to have part of the clothing, such as blankets, shoes, and pantaloons,

kinds of provisions of a good and merchantable quality; and what was the state of the market, and of the various country produce, in and about New Orleans, as well in respect to quality as quantity?

Answer.—I am unacquainted with the quality of the provisions generally consumed in New Orleans or the neighbourhood; I believe there were generally during that summer great quantities of good flour and pork brought down the river to New Orleans; I understood that great quantities of cattle were brought there from the Opelousas and Atakapas country, and since leaving there I have known that cattle are brought there from the Illinois also.

Question.—From your observation and knowledge of the New Orleans market, say whether you think it could have afforded, in its ordinary state, a supply of fresh and wholesome provisions, either for the troops generally at Terre au Bœuf, or for the invalids?

Answer.—I believe that the market of New Orleans could have afforded a sufficient supply of fresh provisions for the number of troops at Terre au Bœuf, but it would have been inconvenient to bring such provisions from New Orleans to Terre au Bœuf. I think it was practicable however to have sent boats up to New Orleans in the evening, and to have brought the necessary supplies, early the next morning, at least a sufficiency for the sick.

[*Questions by the Court.*]

Do you suppose that fresh provisions could have been procured daily, from New Orleans market, in the months of July and August, and conveyed to Terre au Bœuf without being spoiled by the heat and moisture of the weather, supposing the distance to be 12 miles?

Answer.—I believe that a barge well manned might convey the provisions from New Orleans market to Terre au Bœuf, before the provisions are generally sold out at the market to the citizens; and if the boat was protected from the sun, the provisions might be so conveyed without injury.

Question.—Was there such a quantity of meat daily in the market of New Orleans as would supply its inhabitants and the army at the same time?

Answer.—I do not suppose that there was in fact every day killed and brought to the market fresh provisions enough to have supplied the troops at Terre au Bœuf over and above what was necessary for the inhabitants, for in that case the butchers must have suffered great loss. My meaning is, that the market was capable of affording the supply in question, had it been required; while the troops were in New Orleans, prior to their going down to Terre au Bœuf, they were supplied with fresh provisions when wanted, and I believe the contractor procured his supplies from the butchers, or if he did not, the same resources from which he was supplied, were open to the butchers.

Question.—If provisions had been brought down the river in the spring or summer of 1809, such as were of good and merchantable quality, and in fit condition to be sent for the use of the army, could the mere effect of climate (in your opinion) have deteriorated them, in the same time to the same degree, as the provisions issued by the contractor at Terre au Bœuf; or did the bad quality of those provisions exceed in any great degree, any probable effect, during the period supposed, of the climate upon provisions intrinsically good and of merchantable quality and condition?

Answer.—I do not think the climate alone could have damaged the provisions to the degree experienced at Terre au Bœuf, if the provisions had not been kept a longer time than what is suggested in the question, and were originally

of good and merchantable quality, but it was impossible for me to distinguish, from the quality alone of the provisions, whether the bad quality of them was owing to their being kept too long, in an unfavourable climate, or to their having been originally bad, and spoiling in a shorter time.

[*Cross-examined by General Wilkinson.*]

Question.—Do you know, or do you believe, that when defective provisions were received by the troops, the whole of the contractor's magazines were overhauled, and that none of good quality could be found?

Answer.—I believe not.

Question.—Are not provisions for the general supply of the troops drawn on the company returns consolidated into returns of regiments and corps, and signed by the quarter-masters and commanding officers?

Answer.—That is generally the mode of drawing.

Question.—Is it not the duty of quarter-masters to draw the provisions on such returns, and is it not their duty also to refuse bad and unwholesome provisions?

Answer.—It is their duty, unquestionably.

Question.—Is it not the duty and the right of a commanding officer of a regiment or corps to return to the contractor all bad provisions which may be issued, and to search the stores and magazines of the said contractor to the last barrel, in quest of that which is good?

Answer.—Not unless he is commanding officer of the post, and then I don't know that it is in his power to search the contractor's stores; but to have the bad provisions condemned, and if better are not furnished, the commanding general to order a purchase on the contractor's account.

Question.—Do you know, whether any report was made to General Wilkinson of the contractor's refusal to furnish sound provisions?

Answer.—I cannot say of my own knowledge, that any reports were made to General Wilkinson of the contractor's refusal to furnish good provisions, but I believe that reports were made to him of bad provisions having been issued.

Question.—In drawing provisions for a regiment or corps, does not the returns necessarily state for complete rations, whether the articles be received in full or not, and is not this done on the volition of the drawing officer?

Answer.—The return is always made for complete rations, whether the articles are received or not; there is a due-bill generally taken by the drawing officer for the balance, if any.

Question.—Was there any complaint of the provisions at the time the troops left New Orleans?

Answer.—I do not recollect to have heard of any; I was then brigade quarter-master, and had little to do with the men.

Question.—The contractor being bound by his contract to furnish merchantable provisions, and the drawing officer not being compelled to receive unmerchantable, does not the return depend on the officer, and is the general officer commanding, responsible for any compromise which may take place between them?

Answer.—I suppose the commanding officer would not be responsible for any compromise between the contractor and the drawing officer; it may sometimes happen at a post, that a drawing officer is obliged to receive bad provisions, when there is not time to procure better.

Question.—Were not frequent inspections made, and did not several condemnations of the provisions of the contractor take place?

Answer.—I believe there were, of the day's issue; I do not know that there was any general inspection of the contractor's provisions in store.

Question.—Do you believe the sickness of the troops at Camp Terre au Bœuf was produced by the provisions they eat there?

Answer.—I believe that it was increased, but not produced by the provisions; there were so many causes that produced it, such as change of climate, living in tents, &c. that it would be impossible for me to say what was the precise effect of any particular cause.

Question.—Do you think salted pork of prime quality, suitable aliment for the stomach of a feverish person or a feeble convalescent?

Answer.—I should not suppose that it was.

Question.—Do you know at what time of the season the supplies of pork and flour cease to arrive from the upper country at New Orleans?

Answer.—I do not.

Question.—Do you not consider the damp humid atmosphere about New Orleans destructive to provisions of all kinds?

Answer.—I think it has a tendency to injure them, and that provisions could not be preserved as long in that climate as in a more northern, or a drier climate.

Question.—At what time did the contractor commence his issues of fresh beef? Was there any want of this article afterwards, while the troops lay at Camp Terre au Bœuf, and did not a drove of cattle accompany the troops up the river on their march from the neighbourhood of that camp?

Answer.—I do not recollect when; there was afterwards no material interruption to the issue of fresh provisions; a drove did accompany the troops up the river.

Question.—Did General Wilkinson ever issue an order, or indicate a desire, that the troops at Terre au Bœuf should receive the provisions offered for issue by the contractor there?

Answer.—I do not know that he did.

Question.—Were you not ordered to purchase fresh beef by General Wilkinson, and by Colonel Parker, for the troops at Terre au Bœuf? Were you limited to time or place, and was it not your duty to make such purchase if in your power?

Answer.—Yes; and I should certainly have done so, if I had been supplied with the money.

[*Question by the Judge Advocate.*]

Do you recollect the date or dates of such order or orders, and did you receive any other order or orders upon that subject, but what were in writing and entered upon the orderly book?

Answer.—I cannot recollect the date; every order I received on that subject was in writing and entered on the orderly book.

[*Question by the Court.*]

Is it within your knowledge, that General Wilkinson ever refused or neglected to appoint a board to inspect such provisions, as were reported unsound and unfit for use?

Answer.—It is not in my knowledge.

[Further cross-examined by General Wilkinson.]

Question.—When and from whence did you join at the encampment at Terre au Bœuf? how long did you remain there, and in what capacity did you act?

Answer.—I arrived at Terre au Bœuf from New Orleans on the 10th June, remained there till the 17th September; acted as brigade quarter-master till some time in July, about the 5th or 6th; from that time did duty as lieutenant of light artillery.

Question.—What was the state of the ground when the main body of the detachment arrived at Terre au Bœuf? And were the appearances of that position such as to create general satisfaction among the troops at their removal from New Orleans to the new encampment?

Answer.—From the centre to the right, the ground was covered with grass, and was as high as the ground commonly is on the Mississippi in the neighbourhood of New Orleans, and shaded in some places with oaks: from the centre to the left, the ground was covered with underwood, which was cleared away by the troops; the ground was more even and was not covered with grass; and although it was considered by those on the left as lower than the ground on the right, I do not think there was in reality much difference; I heard no complaint of the position on my first arrival there; I believe the officers were, at first, generally pleased with the change, and I was among the number; I cannot speak as to the sentiments of the men.

Question.—Were there any trenches or drains cut by the troops more than were necessary to the camp; and do you believe that those trenches and drains, particularly the large sewer with the levee for the sentries in the rear, were advantageous or detrimental to the interests of the proprietor of the plantation at Camp Terre au Bœuf?

Answer.—I conceive there were not more trenches and drains cut than were necessary; if the land was mine, I should consider it injured by the small drains; the large sewer in the rear I did not consider as injurious, nor yet of any advantage.

Question.—Do you know of any instance of labour or expense in preparing the encampment at Terre au Bœuf, which you did not consider absolutely necessary for that purpose, and which you had any reason whatever to believe was designed merely to benefit the proprietor of the soil where the encampment was formed?

Answer.—No.

Question.—After the rains had ceased and the drains were cut, did not the place of encampment become dry and firm?

Answer.—The ground there, like all other ground in the neighbourhood, in some reasonable time after the rains ceased, became dry; under the floor of an arbour back of my tent, near the extreme right, I had a cellar about two feet deep, in which I kept a half barrel of water and some other articles; I never saw any water in it, but what I put in it; on the left there was a good deal of complaint of water rising in the rear, but I believe those complaints were principally before the drains were cut.

Question.—Was it on the right or the left that you heard the first complaints about the lowness and wetness of the ground; and when the drains were prepared, which way did the water run? did it not run from the left to the right?

Answer.—The first complaints were on the left, from the dragoons, who were on the extreme left; through the 1st battalion of the 5th regiment there was a

natural ravine, inclining diagonally towards the right; I believe the water from the extreme left was drawn into that ravine, from somewhere about the centre of the right wing; the water, I think, ran off to the right; and from the left of that part, it ran towards the centre, and I think entered into the ravine first mentioned.

Question.—Do you recollect whether General Wilkinson did not direct that only the "grass and underwood" should be cut; and was it not by his desire that the few trees embraced by the sentries were left standing?

Answer.—I recollect such an order.

Question.—Was not the right and centre of the camp at Terre au Bœuf pleasantly shaded by large trees? Please to describe the situation particularly, and say whether you did not consider it preferable to any position you saw within fifty miles of New Orleans?

Answer.—I think the position equal to any I saw *upon the river*, within fifty miles of New Orleans.

Question.—Were not large sheds, capable of turning the rain, erected between the lines of tents from one extremity of the camp to the other; and, also, sheds for sentries, such as were unusual (if ever to be seen) in camps, and which would have been impracticable, except for the great quantity of palmetto in the vicinity; and in this, as in every thing else, you will please to state whether General Wilkinson did, or did not, demonstrate his great anxiety for the health and comfort of the troops?

Answer.—There were sheds of palmetto between the two lines of common tents from right to left, some of them were capable of turning rain; they had tables under them and were comfortable to the soldiers; there were similar sheds for the sentinels in front, and on the right; as to those on the left and rear, don't recollect; suppose such sheds are unusual in camps, and that it would be difficult to have them where the palmetto did not grow; General Wilkinson did shew a great anxiety to have the police of the camp attended to, and to preserve the health of the troops; he frequently visited the sick and bestowed the most humane attentions upon them.

Question.—Immediately on the arrival of the troops at Terre au Bœuf, do you recollect whether boats were not allotted to furnish boards for flooring the tents? Were not all the tents floored by General Wilkinson's order as soon as practicable?

Answer.—The boats we descended in were appropriated to that purpose, and I do not know of a single tent that was without flooring; if there was, I should consider it the neglect of the officer of the company to whom it belonged.

[The witness produces the prisoner's order as follows:]

Camp Terre au Bœuf, June 26th, 1809.

Sir,—You will furnish for the use of the camp, the flat-bottomed boats in your hands, amounting to thirty-two.

(Signed) JAMES WILKINSON.

Lieutenant Gibson, brigade quarter-master.

The boats had been taken for the purpose before that order was issued, which was obtained as a voucher.

Question.—Was not a hospital begun immediately on the arrival of the troops at Terre au Bœuf, and finished with all practicable despatch? Was not a house rented for the accommodation of the men most ill, and those of that descrip-

tion of the left wing ordered to be taken there? And were not hospital tents put up in the rear of the line, in order to separate the sick from the well?

Answer.—Yes.

Question.—Did General Wilkinson omit any exertion, or did he use every effort in his power, to put the medical department on the best footing practicable, and were not country physicians employed, by his orders, to attend the sick among the troops, for the want of regular surgeons attached to the army?

Answer.—I know there were surgeons employed to assist those belonging to the army; cannot answer, what would be a competent medical establishment.

Question.—How many men did you lose from the company under your command at Terre au Bœuf; And how many between that place and Washington in the Mississippi Territory?

Answer.—I lost six men out of my company at Terre au Bœuf, not including those sent to the hospital at New Orleans; the company was 76 men strong; lost 16 men between the time of leaving Terre au Bœuf and reaching the encampment at Washington.

Question.—Were not his, the General's, attentions to the sick incessant, and were not his quarters open to the sick officers? Did he not furnish them from his private stores, and even perform occasionally the duties of the physician and nurse?

Answer.—His attentions to the sick, generally, were unremitted; I was taken to his quarters when sick, and received every attention from him; *he acted towards me the part of a friend and physician, and but for him I believe I should not now be alive.*

[*Again examined by the Judge Advocate.*]

Question.—Was there any general order regulating the manner of selecting the sick for the hospital in New Orleans, and limiting the number to be selected preparatory to the troops proceeding to the Mississippi Territory: if no given number was prescribed in the order, nor any specific rule laid down as to the manner of making the selection, what was the principle upon which the order was practically executed in detail and the number regulated?

Answer.—I cannot state precisely in what manner the selection was conducted in detail, nor what was the particular order by which it was regulated; believe the selection was left principally to the physicians; cannot say with certainty, whether the order expressed any limitation of the number to be selected, nor do I know what number was actually sent to the hospital; the number of sick was regularly reported every morning, and the hospital in New Orleans was said to be very inadequate to the number of sick for whom a hospital appeared to be necessary; some of the sick had been taken to the hospital in New Orleans, before leaving Terre au Bœuf, and others after we got to the Willow Camp, just above New Orleans.

Question.—Were the boats that were provided for the transport of the troops up the river, adequate to their comfortable accommodation, in their condition; or were the sick much crowded together? and what were the principal advantages suffered by the sick from the circumstances attending their transportation?

Answer.—I can answer only for the corps of light artillery under my command, which was distributed in two boats; of that corps, the number of men able to perform the labour necessary for navigating the boats was not more than sufficient for the two boats in which the three companies of the corps

were embarked; there were on board those two boats 4 field pieces with their equipments, 2 ammunition wagons, 2 light wagons, and a considerable quantity of ammunition; I had caused decks to be made upon my two boats, also awnings made of tents; the decks were crowded with sick, nearly as thick as they could lie; it would have been very difficult to have crowded in another man; if the men had been well there would have been sufficient room for the number of men in the two boats; the crowding was caused by the proportion of the sick; the disadvantages suffered by the sick, in consequence of the inconvenient circumstances attending their transportation, were, principally, their lying in too great numbers too closely together, the difficulty of administering medicines with any good effect, it being the opinion of the surgeon that medicines could not have the expected effect upon men so situated; also the separation of the boats sometimes prevented the surgeon from paying regular attention to the sick on board of both boats; there being no means to keep fires on board the boats, cooking could be done in the evenings only, when stopped for the night and made fires on the shore, consequently the sick were deprived in the day, of their tea, and such other comforts as could not be regularly and properly supplied without fire for cooking, unless, as it sometimes happened, we were detained by adverse winds, or made halts for some necessary purpose; the ammunition on board was also a great inconvenience, preventing us from lighting candles.

[*Cross-examined by General Wilkinson.*]

Question.—How many gun-boats were furnished for the removal of the troops up the river? How many men did they carry, and how long were they ascending to Natchez?

Answer.—There were four gun-boats, in which three companies only were embarked; they left Terre au Bœuf some days before I did, and a part of them arrived at Natchez first; I think I was about forty-five days going up; left Terre au Bœuf the 17th of September, and arrived at Natchez about the 31st October.

Question.—Did you ever hear of any report being made to the General, of the insufficiency of the hospital at New Orleans to receive the sick?

Answer.—No.

Question.—Did you send to the hospital at New Orleans, from the camp above that place, all the sick of the company you commanded, who desired to go there, or whom you desired to send there?

Answer.—Yes. I made a rule, never to send a man to the hospital against his will, without an express order to that effect.

Question.—Did it not appear to you, when the troops left Camp Terre au Bœuf, that the officers were satisfied the transport furnished was sufficient?

Answer.—I was satisfied, as before stated, that my corps was not able to carry up more boats than the two in which they were embarked?

Question.—Have you any knowledge of the boat commanded by Captain Darrington, called by him the Royal George; was she not selected by him, and did you not understand that Captain Darrington voluntarily took the boat for the transport of his own and another company of the 3d regiment?

Answer.—I do not know whether he selected the boat, or it was assigned to him; he appeared to be pleased with it, and it was one which I had wished to procure for my own men.

Question.—Did not General Wilkinson make great exertions, in person, and

by the troops, to repair and equip the public and private boats employed in transporting the troops up the river?

Answer.—Yes.

Question.—Do you not believe, and did not the fact appear manifest, that the labour indispensable to the repair and equipment of the boats for moving up the river, sickened many of the men, and greatly increased the sickness of the troops?

Answer.—There can be no doubt that the health of the men was injured by their exposure to the sun, and going into the water while at work about the repairs and equipment of the boats; I had great difficulty in drawing up one of my boats for the purpose of caulking, and other necessary repairs.

Question.—Where is the suitable place for the fixed ammunition of a field train, designed for current expenditure and in campaign; with the guns or elsewhere?

Answer.—With the guns, or with the person having charge of the guns.

[*Further examined by the Judge Advocate.*]

Question.—When you say that all the men of your company were sent to the hospital at New Orleans, who wished it themselves, or whom you wished to be sent, do you mean that your wish upon that subject was entirely regulated by the inclinations of the men, or was it the independent dictate of your own judgment, that there were no men of your corps proper subjects for the hospital, and unfit subjects for transportation under the circumstances in which that operation was to be performed?

Answer.—My impression was, that the men would be better attended to under my own care and that of a surgeon attached to the corps, than they would be in hospitals, regulated as they commonly are; there were seldom any instances of my men wishing to go to the hospital, and such as did go, seldom returned; the surgeon attached to the light infantry was very attentive and skilful.

Question.—If there had been sufficient hospital room provided in New Orleans, for the accommodation of the sick, under the care of proper officers and physicians, would you still have wished to indulge, in their aversion to the hospital, such of your sick, as were manifestly unfit subjects for transportation in your boats?

Answer.—My impressions at the time were such, that if the most extensive hospitals had been provided in New Orleans, under the best officers and physicians, I should not have sent a man to the hospital, unless he wished it; one reason is, that men who are left in hospitals, at such a distance from their corps, seldom join it again, being liable to be transferred to other corps; and another reason is, that I have known instances of men's being treated with great severity in hospitals; and I was not, at the time, aware of the many inconveniences attending the transportation of so many sick in the boats.

Question.—Did the order, under which the selection was regulated, or the principle upon which it was practically executed, refer the selection of proper subjects, in any degree either to your discretion as commanding officer of your corps, or to the choice of the men?

Answer.—I presume it was previously ascertained what number the hospital would hold, and that the selection of that number was left to the physicians; the physician who selected the men from my corps, took no man without first consulting me; I think that there was but one man and a woman taken from

Captain Peter's company; the man was dropsical, and I put the question to him which he would prefer, going to the hospital or continuing with his company up the river; he chose the latter; I do not recollect what number was taken from the other two companies under my command.

[*Again cross-examined by General Wilkinson.*]

Question.—Do you think, from your observation and information, that the troops of the 3d regiment, in the ascent of the Mississippi, suffered less than any other corps?

Answer.—I have no reason to believe they suffered less than any other corps.

Question.—Do you know whether any report was made to General Wilkinson, of the insufficiency of the hospital at New Orleans, to receive the sick, or whether any application was made to him for additional room?

Answer.—I do not.

[*Again examined by the Judge Advocate.*]

Question.—State whether the troops suffered any aggravation of their sufferings during the movement up the river, from the want of their clothing, or of a proper supply of medicines and hospital stores, or of the full arrears of their pay?

Answer.—The men of my corps experienced no aggravation of their sufferings from the want of clothing, during their movement up the river; of medicines, there were more than could be used; as to the hospital stores, they were under the care of the surgeon attached to the corps, and I presume he drew the usual supply; there were stores on board the quarter-master's boat, under command of Lieutenant M'Cormick; whether the stores were sufficient for all the troops moving up the river, I cannot say; there appeared to be with my corps, a sufficiency of tea, sugar, chocolate, brandy and wine; I think it would have been a great benefit to the troops, if they had, before leaving New Orleans, received their pay for the months of July and August.

[*Cross-examined by General Wilkinson.*]

Question.—Did not General Wilkinson give you, when acting as brigade quarter-master at camp Terre au Bœuf, an order on the military agent for five hundred dollars, for the contingent expenses of the troops encamped, the sick and the well? and did you present such order to the agent, and did he refuse the payment of it?

Answer.—I did receive an order some time in June from General Wilkinson, on A. D. Abrahams, the military agent at New Orleans, for five hundred dollars, which I presented to him; he stated, that he could not make any advances, without receiving proper returns and receipts for the articles actually furnished; he shewed me his instructions, which I either read or heard read by him, to that effect.

Question.—Did not General Wilkinson, in consequence of the military agent's refusal to honour his order in your favour, furnish you a small sum from his own pocket, to purchase provisions for the sick?

Answer.—Yes.

[*Further examined by the Judge Advocate.*]

Question.—Examine the printed copy of a letter from H. Dearborn, secretary of war, dated 12th December, 1808, and say whether you believe it to be the same shewn or read to you by Abrahams, when General Wilkinson's order for five hundred dollars was presented by you?

Answer.—I believe it is the same order; recollect one sentence contained in

the printed copy, to have been in the one shewn or read to me by Abrahams; the sentence being "you will advance no money except for articles actually received, or for services performed;" the order which the General gave me was for the purpose of purchasing fresh provisions, whether the order so expressed it or not, I do not recollect; but I believe the principal object was to purchase fresh provisions; but if the money had been obtained, I should have applied it as well to other objects within my department, as to the purchase of fresh provisions.

Question.—Did General Wilkinson give any order, preparatory to sending the troops to the Mississippi Territory, for any advance of money whatever by the military agent, to the brigade or regimental quarter-masters for the necessary purposes of expenditure, either in preparation for their departure, or on the way to the Mississippi Territory, or upon their arrival there?

Answer.—I know of no such order, and am convinced the regimental quarter-masters, who accompanied the troops up the river, had no money in their hands; Mr. Jesup, the brigade quarter-master, remained in New Orleans sick; Mr. M'Cormick, quarter-master of the 7th regiment, had charge of the boat containing articles belonging to the quarter-master's department, and attended to the issues and distribution of the hospital stores; I think it proper to state, that on the 28th August, 25 horses belonging to the light artillery, were sold at auction on a credit of 90 days, and notes were taken for the proceeds of the sale, amounting to upwards of $ 4000, payable to Mr. Jesup, the brigade quarter-master; I presume the proceeds of this sale were at the disposal of General Wilkinson, or of the brigade quarter-master.

[*Question by General Wilkinson*—Do you know that those notes were discounted, and the money raised upon them by Mr. Jesup, the brigade quarter-master, by my order?

Answer.—I do not know.]

Question.—Did he give any order whatever, preparatory to the troops leaving New Orleans for the Mississippi Territory, concerning the pay, clothing, medicines or hospital stores, which were to be taken up with them?

Answer.—The only orders I recollect upon the subject matter of this question, are the following: A short time before we left Terre au Bœuf, a quantity of clothing was ordered to be distributed among such of the troops as stood most in need of it; the clothing consisted of shirts, shoes, and pantaloons, and perhaps other articles, and was not, I believe, a part of the new clothing that had arrived at New Orleans, but part of the old stock in the hands of the quarter-master; I went to get some shirts for my men, but found them so indifferent, that I did not take any; this supply was intended to go as far as it would among the whole of those that needed it most; I do not know that it was intended for any particular corps or companies; the 3d regiment was paid by Lieutenant Clinch at the Willow Camp, between the 17th and 20th September, down to the last of August.

Question.—Was the quantity of clothing distributed at Terre au Bœuf, as you have just stated, adequate to supply the necessities of the whole detachment?

Answer.—I am well convinced there was not as much clothing as was due to the troops; as to the necessities of other corps in that respect, I cannot answer; I know that if I had received the new clothing for my corps, I should not

have issued any part of it, before our arrival at Washington, except shirts, shoes, and some fatigue clothing.

Question.—Who was military agent at New Orleans, when the troops decamped from Terre au Bœuf? How long had he been acting? And were you acquainted with the orders and instructions under which he acted?

Answer.—I believe, when I left Terre au Bœuf, that Major Pike was acting as military agent, but do not recollect how long he had been acting; when Abrahams, the former military agent, left New Orleans, a Mr. M'Culloch was appointed, but he died soon after; General Wilkinson, I believe, then ordered Captain George Gibson up, to do the duty of military agent; how long he acted, or whether at all, I do not know; Major Pike was afterwards appointed and was acting military agent when we left Terre au Bœuf. I am unacquainted with the orders and instructions under which he acted.

[*Further cross-examined by General Wilkinson.*]

Question.—You have observed that Lieutenant M'Cormick had charge of the quarter-master's boat in ascending the river; was not the quarter-master's stores, the hospital stores, and the public clothing, transported on board of that boat to Natchez?

Answer.—The boat was, I believe, loaded with quarter-master's and hospital stores, and a part of the public clothing.

Question.—What time do you think it would have taken at New Orleans, in the situation of the troops ascending the river, to have broken up, assorted and distributed the new clothing to the companies?

Answer.—It would have taken some time; cannot say how long.

Question.—Was such a measure desirable to the officers? and if it had taken place, what would have been the probable consequences to this clothing on the route to Washington, Mississippi Territory?

Answer.—I can speak for myself alone; a *general issue* of the clothing was not desired by me; if it had been issued, a part of it would have been lost or injured; the men in their then condition, being utterly unable to take proper care of it; their coats especially.

Question.—Where did Lieutenant Jesup, the brigade quarter-master, join the troops, after you left him sick, in New Orleans?

Answer.—I think at Washington.

Question.—Did he not then pay for the transport from Natchez to Washington; and for the contingent expenses of the quarter-master's and hospital departments?

Answer.—He paid the transport from Natchez to New Orleans, and disbursed the contingent expenses of the quarter-master's and hospital departments.

[*Again examined by the Judge Advocate.*]

Question.—Did you accompany the detachment of troops under command of Captain George Peter from Pittsburgh to New Orleans in the winter of 1809?

Answer.—Yes.

Question.—When did you arrive at Louisville?

Answer.—We arrived at Shipping's Port, just below Louisville, on the 26th or 27th February.

Question.—When did you leave Louisville, and arrive at New Orleans?

Answer.—We left Shipping's Port in the afternoon of the 28th February, or 1st March, cannot be positive which, and arrived at New Orleans, 27th or 28th March.

Question.—Were any horses belonging to the prisoner, delivered to Captain Peter, by Major Morrison, the army contractor, while the detachment lay at Shipping's Port, and how long after their arrival?

Answer.—There were eleven horses delivered there by Major Morrison, which I understood to be for General Wilkinson; they were delivered on the afternoon of the day we left it.

Question.—What provision was made for the transport of these horses; how were they subsisted on the passage down the river, and were the boats supplied with provender for the artillery horses, then going down in the boats; and was the supply of provender sufficient for the subsistence of the public horses, not only on their passage down the river, but for any considerable time after their arrival at New Orleans?

Answer.—There was an additional boat taken for the transport of the eleven horses, and I think the boat was furnished by the military agent at Newport; the eleven horses in question were fed, as I supppse, with public provender; I knew of no other provender on board the boats; I think there were 27 artillery horses on board; we took in a quantity of grain at Newport, I think about 1400 bushels, in addition to the supply on hand.

Question.—In what manner were those eleven horses subsisted after their arrival in New Orleans?

Answer.—I was appointed by General Wilkinson brigade quarter-master about the 6th May; in the same month, and after my appointment, Colonel Russell arrived with a detachment of troops, and brought with him a quantity of corn, and I think some oats, which he reported or mentioned to me, under the supposition that I was the proper person; I told him that I was not, and that the military agent was the proper person to turn it over to; out of that quantity of corn brought down by Colonel Russell, General Wilkinson received 203 flour barrels full of ears of corn; after that I know of no other provender being drawn by General Wilkinson for the use of his horses; the military agent having before that time furnished some oats for those horses, was apprehensive that his account would not be allowed, and applied to me to receipt to him for the oats; this I, at first, declined, but afterwards, under the impression that General Wilkinson held himself accountable to the military agent at Newport, for what corn he received, I agreed to pass a voucher to Mr. Abrahams for the oats with which he had supplied General Wilkinson, and to receive of General Wilkinson a quantity of corn, equivalent in value to the oats; the corn I received of General Wilkinson was a part of the 203 barrels.

Question.—What interval was there between the time of your being appointed quarter-master and Colonel Russell's arrival, and how were these eleven horses subsisted in the mean time?

Answer.—The interval was but short. I know of no provender being drawn by General Wilkinson, between the time of my appointment and the arrival of Colonel Russell.

Question.—Do you know in what manner these 203 barrels of corn have been accounted for, either to the military agent or to the public?

Answer.—I do not know in what manner, or whether at all, accounted for.

Question.—What were the issues of grain to each horse per diem?

Answer.—The general rule is from 6 to 8, or perhaps from 8 to 10 quarts of corn; some of our horses, in particular the light artillery horses, were in such high order, that Captain Peter sometimes ordered the feed to be lessened;

there were no returns made of the quantity consumed, nor do I know that the grain was measured out.

Question.—Were the four horses purchased by Abrahams, the military agent, for the quarter-master's department, and receipted for by you as brigade quarter-master, and another horse afterwards purchased for the use of the light artillery, and received by Captain Peter, in May, 1809, part of the same eleven horses brought from Shipping's Port for the prisoner?

Answer.—They were.

[*Further cross-examined by General Wilkinson.*]

Question.—Where were the boats for the forage procured, and where was that procured which received the General's horses? what did such boats cost the public? were they built for the express service, or were they purchased after having discharged their loads from the upper country?

Answer.—The boats for the forage were furnished by Colonel Taylor, the military agent at Newport, as also that for the General's horses; presume they were boats purchased by Colonel Taylor, but have no certain knowledge how he procured them.

Question.—Do you know whether the corn brought down to New Orleans by Colonel Russell, has been accounted for or not?

Answer.—I do not know.

Question.—Where was the corn received to replace the oats, for which you receipted to Mr. Abrahams?

Answer.—My impression is, that it was received at Terre au Bœuf?

Question.—Do you know whether General Wilkinson did, or did not purchase any forage for his horses at New Orleans, while the troops lay in that city, or at Terre au Bœuf?

Answer.—I do not know.

Question.—The boat out of which you took the corn, being sunk, if it had remained in her much longer than it did, would it not have been ruined, and were not considerable quantities lost in this way by the neglect of the military agent?

Answer.—If the corn had not been removed soon, part of it would have been lost; it was removed before it was injured.

Question.—The corn and forage being subject to the orders and distribution of the military agent, was it your duty to have it removed from the boats and secured?

Answer.—I did not consider it my duty.

Question.—Did you not undertake the superintending the landing of this corn at the request of General Wilkinson?

Answer.—Yes.

No. CIX.

DEPOSITION OF MR. BORÉ.

Question.—How long have you been in service?

Answer.—I was eleven years in service, from the year 1761, to the year 1772, when I came to establish myself in Louisiana, where I was born.

Question.—Is not the neighbourhood of Terre au Bœuf considered the most healthy situation in the vicinity of New Orleans?

Answer.—I consider it as healthy as any other part we inhabit within 4 or 5 leagues of the capital.

Question.—Was not the summer of 1809 the most disastrous known for many years?

Answer.—There was greater mortality during that season, than for three or four years preceding it.

Question.—How long have you resided in the province of Louisiana, and where has been your place of residence during that time?

Answer.—I have lived in the province of Louisiana since the year 1772, making 38 years. For 29 years I have resided on my plantation, five miles from New Orleans.

Question.—Acquainted as you must be with this climate, and its dangerous influences, do you not believe that the movement of the troops from Terre au Bœuf for Natchez, was the cause of the great mortality which ensued?

Answer.—The observations I have made on this climate, and its dangerous influences, enable me to judge that the movement of the troops from Terre au Bœuf for Natchez, may have contributed to the great mortality which I understand took place among the said troops; seeing that it was made during the most critical season.

(Signed) J. ETIENNE BORÉ.

DEPOSITION OF COLONEL LE BLANC.

Question.—How long have you been in military service?

Answer.—I was a lieutenant in the service of France the 20th of March, 1748.

Question.—How long have you been an inhabitant of Louisiana and territory of Orleans?

Answer.—I arrived in Louisiana the 22d of July, 1751, in which province I served under five kings.

Question.—Do you not think Terre au Bœuf the best position to protect New Orleans against maritime invasion?

Answer.—Whenever the colony was menaced, every governor, whether French or Spanish, always assembled his forces at the English Turn; General Wilkinson therefore acted very properly, when he collected his at Terre au Bœuf, which is but half a league distant from it.

Question.—What is the general opinion, respecting the salubrity of Terre au Bœuf? Can a spot be found in the vicinity of New Orleans more healthy?

Answer.—The air at Terre au Bœuf is not more unhealthy than in any other part of Lower Louisiana; it may be even considered better in consequence of a ridge more than five leagues in extent, which gives a free passage to the sea breeze.

Question.—Do you think that had the army remained at Terre au Bœuf, its losses, from sickness, and which continued during its march to Natchez, would have been infinitely less?

Answer.—There is no doubt, had the troops remained at Terre au Bœuf, the loss from disease would have been less considerable; I know from experience;

that moving by the river during the great heat of summer has always occasioned a considerable loss of soldiers.

Question.—From your observations and the knowledge you have of the climate, do you not believe that the movement of the troops, after the commencement of the sickness, and its continuance during the summer and autumn, was very prejudicial to their health, and a mortal obstacle to their convalescence?

Answer.—The present question is answered in the preceding.

(Signed) PABLO LE BLANC.

DEPOSITIONS OF DOCTORS DOW AND MONTEGUT.

Question.—Did you not visit General Wilkinson, when ill in New Orleans, in September, 1809?

Answer.—I did.

Question.—Did not his illness confine him to the house and his bed?

Answer.—It did. He had a remittent fever, attended with very violent paroxysms.

Question.—Did he not follow the troops before his health was established, and too early for his safety?

Answer.—He did, notwithstanding my advice and the remonstrances of his other medical friends, to the contrary.

Question.—What was the mortality in the city of New Orleans during the months of August and September, 1809, per month or per day?

Answer.—The numbers who died during those two months were considerable, according to appearance and report; but as to the particular number I cannot say.

Question.—Was not the country more sickly than usual in all directions?

Answer.—There was a great deal of sickness both in town and country, and more than we experience this year.

Question.—Is not the country of Terre au Bœuf considered as healthy as the position formerly occupied by the troops under the orders of Colonel Freeman, or as any other spot in the vicinity of New Orleans?

Answer.—I am decidedly of opinion that the country of Terre au Bœuf is as healthy a position as any upon the river; and I believe that positions on the river are preferable to those remote therefrom. I am moreover induced to believe so, as this settlement was formed by Count Galvez, in common with others, consisting of a number of people from the Canary Islands, and it has thrived much better than the rest which were dispersed throughout the country. This I had an opportunity of knowing, having been appointed by that gentleman to take charge of their health. Also several planters of my acquaintance have been more free from the autumnal bilious fever since they have removed to Terre au Bœuf, and which they ascribe to such movement.

Question.—Do you not believe that the movement of the troops up the river the last season would have been injudicious at any time after the vernal heats commenced; and is it not your opinion, that the great mortality, which ensued the movement from Camp Terre au Bœuf, was produced by such movement?

Answer.—From my personal observation and experience, I have no hesitation in saying, that I do believe it improper to remove troops to such a distance, at

such season, in a climate and country like this. I also believe that if the army had remained at Terre au Bœuf, that their losses would have been much less.

Question.—Is it not your opinion that if the troops had been suffered to remain at Camp Terre au Bœuf, or had been moved to the sea coast, that the mortality would have been much less?

Answer.—The first part of this question is comprehended in my last answer. In regard to an encampment on the sea shore, I do not know if a more eligible or more advantageous spot could be had.

Question.—How long has it been since you first practised medicine in the territory of Orleans?

Answer.—I arrived in this country from the West Indies in September, 1776. I settled in the practice in New Orleans in 1778, and was shortly after appointed by General Galvez, physician to the hospital. I continued in this station till the year 1785, when I left the country, and returned in 1786, since which time I have resided here as a practitioner. I have also during the said period, been consulted by the Spanish government, as to the causes and means of arresting certain diseases which have appeared in their hospitals, and at different times in various parts of this territory.

New Orleans, August 23, 1810.

The answers annexed to the above interrogatories are true, according to the best of my judgment and belief.

(Signed) ROBERT DOW.

I, Joseph Montegut, hereby certify, that I have had the within paper submitted and explained to me, and I do perfectly coincide with Doctor Dow, in the opinions advanced therein, in his answers, subsequent to the 3d question. I have been a practitioner of medicine and surgery in this country, since the year 1764, and from the year 1779, to the cession of this territory to France, I have filled professional stations of the highest rank under the Spanish government.

(Signed) JOSEPH MONTEGUT.

DEPOSITION OF MR. SAUVÉ.

Question.—How long have you been in service?

Answer.—I never was in military service.

Question.—How long have you lived in the province of Louisiana, and territory of Orleans?

Answer.—About twenty-six years.

Question.—Do you think Terre au Bœuf the best military position for the defence of New Orleans, against a maritime invasion?

Answer.—Though not versed in the arts of the military, I think that position one of the most advantageous, on account of its proximity to the English Turn (which vessels generally pass with great difficulty), and its being situated about five leagues below the city.

Question.—What is the general opinion of the salubrity of Terre au Bœuf, and is there in the environs of New Orleans a more healthy place?

Answer.—I have always considered that place as healthy as any other near New Orleans, and I believe this to be the general opinion.

Question.—Do you not believe that had the army remained at Terre au Bœuf, the loss it sustained from disease, and which continued during its march to Natchez, would have been infinitely less considerable?

Answer.—Every thing induces me to believe it: First, the excessive heat, and the continual rains which usually fall at that season, added to the painful fatigue which the troops must undergo in their craft.

Question.—From your observations, and the knowledge you have of the climate, do you not believe that the movement of any troops after the commencement of the diseases, and their continuation during the heats of the summer and autumn, would be most prejudicial to their health, and an obstacle to their convalescence?

Answer.—My answer to the 5th question comprehends this, and expresses my belief that the movement of these troops at that season, was very prejudicial to them.

(Signed) P. SAUVÉ.

DEPOSITION OF COLONEL NICHOLAS F. DAUNOY.

[*The questions proposed to Colonel Daunoy, either were not forwarded, or have been mislaid.*]

1. I entered the service in 1763, and for 24 years I commanded the artillery of the province of Louisiana, in the Spanish service.

2. I am convinced, and it has been invariably my opinion, that the point of the Terre au Bœuf, connected with the English Turn, is the best possible position to cover and protect New Orleans against a maritime invasion.

3. The Terre au Bœuf, from its extent and elevation, has always been viewed as one of the most healthy spots in the colony, and possessing the advantage of receiving all sorts of produce, such as poultry, vegetables and fresh provisions, from the inhabitants of the settlement.

4. I am sure, and indeed, I made the remark at the time, that if the army had remained in its then position, it would not have experienced the loss it afterwards sustained, in the course of a long voyage to Natchez; from the fatigue and heat they were compelled to encounter, at the most critical season of the year, men, in high health, could not escape disease; and the convalescents could not recover their health.

5. It is a fact, that the year 1809 was one of the most fatal that has been known for a long period.

(Signed) NICHOLAS FAVRE DAUNOY.

DEPOSITION OF MR. FORTIER.

Question.—Is not the neighbourhood of Terre au Bœuf considered the most healthy situation in the vicinity of New Orleans?

Answer.—I consider the neighbourhood of Terre au Bœuf as healthy as any other spot near New Orleans.

Question.—Was not the summer of 1809 one of the most sickly known for many years?

Answer.—The summer of 1809 was, from its diseases and the great mortality which took place, one of the most disastrous I have seen for many years.

Question.—How long have you resided in the province of Louisiana; and where has been your residence during that time?

Answer.—I was born in New Orleans, and have constantly resided there.

Question.—From your knowledge of the climate and its dangerous influences, do you not believe that the movement of the troops from Terre au Bœuf for Natchez, was the cause of the great mortality which ensued?

Answer.—It is my opinion, that the movement of the troops at the time it was made, must have been very prejudicial.

(Signed) M. FORTIER.

DEPOSITION OF BERNARD MARIGNY.

Question.—Is not the neighbourhood of Terre au Bœuf, considered the most healthy situation in the vicinity of New Orleans?

Answer.—Terre au Bœuf has always been thought one of the healthiest places, the grounds there being very high. It was partly this which determined the Spanish government, to establish a number of families there, under the command of my father.

Question.—Was not the summer of 1809, one of the most sickly known for many years?

Answer.—It has been considered the most unhealthy, since that of 1797.

Question.—How long have you resided in the province of Louisiana; and where has been your usual residence during that time?

Answer.—I am a native of New Orleans, and have always lived there since 1785.

Question.—From your knowledge of the climate and its dangerous influences, do you not believe that the movement of the troops from Terre au Bœuf for Natchez, was the cause of the great mortality which ensued.

Answer.—I believe that the movement of the troops for Natchez on the Mississippi, was the cause of the great mortality which ensued.

(Signed) BERNARD MARIGNY.

DEPOSITION OF MR. J. VILLERE.

Question.—How long have you been in service?

Answer.—During nine years, I served with the rank of lieutenant in the royal artillery of France, and I have been four years colonel of the third regiment of the militia of the territory of Orleans.

Question.—How long have you resided in the province of Louisiana and the territory of Orleans?

Answer.—I am a Creole of Louisiana: I was absent ten years; and since my return to this country have lived twenty-seven years, without interruption, in the territory of Orleans.

APPENDIX.

Question.—Do you not believe that the Terre au Bœuf is the best military position for the protection of New Orleans, against a maritime invasion?

Answer.—There is no better position for the protection of New Orleans, against a maritime invasion, than the Terre aux Bœufs. Such is its proximity to Lakes Borgne, Lery, Pontchartrain and Barataria, to the Fort at Placquemine and to the city of New Orleans, that the troops stationed at that camp may, in less than twenty-four hours, present themselves at those points which alone are open to maritime invasion.

Question.—What is the general opinion of the salubrity of Terre au Bœuf; and is there in the vicinity of New Orleans, a more healthy place?

Answer.—The general opinion, and I concur in it, is, that Terre au Bœuf is one of the healthiest points near New Orleans.

Question.—Do you not believe that, had the army remained there, its losses, by disease, and which continued to take place during its march for Natchez, would have been much less considerable?

Answer.—I am well persuaded that the American troops, encamped at Terre au Bœuf, would have had much less disease to apprehend, in continuing there, than they experienced in going to Natchez: the season at which they struck their camp, being that in which disease commits its greatest ravage in this country. Strangers well seasoned to the climate, and even Creoles, dread travelling in the months of August, September and October, so fearful are they of the maladies: with much reason then, might be dreaded the consequences of a march of 100 leagues to an army already either sick or convalescent, and newly arrived in a country where, for a long time, the diseases had not been so general nor so fatal as in the year 1809.

Question.—Acquainted as you are, with the situation of the camp at Terre au Bœuf, what was the condition of the ground before it was occupied by the American troops; and what sort of improvements or labours were bestowed on it since, which were not absolutely necessary to the comfort and better accommodation of the troops?

Answer.—The place of the encampment, previous to the arrival of the troops, was a natural meadow in which there were some large live oaks, some small growth of wood, brambles and palmetto. The live oaks, on account of their shade, were preserved, and the brambles, small growth and palmetto were quickly and easily destroyed. The labours done in, and about the camp, were indispensably necessary, in Lower Louisiana, to drying the ground: they consisted in ditches and canals for the purpose of draining more readily the rain and the leaking of the levees.

I take the liberty of adding, to what I have said above, that when the establishment of a camp at the head of Terre au Bœuf was proposed, I strongly approved of the General's plan of placing the army in a position so healthy and agreeable; and near enough to receive every sort of refreshment from a considerable population, (that of Terre au Bœuf.) whose sole employment is that of supplying the market of New Orleans with provisions and vegetables.

(Signed)

JACQUES VILLERÉ.

APPENDIX.

DEPOSITION OF MR. FOUCHÉ.

Question.—How long have you been in service?

Answer.—I served his Catholic majesty 18 years.

Question.—How long have you been in the province of Louisiana, and in what part of it have you chiefly resided?

Answer.—I am a Creole of Louisiana, and while in the army I was stationed a long time at the different posts in West Florida and on the Mississippi, but my usual residence has been at New Orleans, and on my plantation about 5 miles above the capital.

Question.—Do you think Terre au Bœuf the best position for the protection of New Orleans against a maritime invasion?

Answer.—New Orleans is open to attack from different quarters, but that by which it may be approached the nearest by frigates or other vessels, mounting cannon, is the Mississippi; before reaching it, however, there are many difficulties to surmount, particularly the bends in the river at the place called the English Turn; a situation which has always been viewed by the powers in possession of Louisiana, as a point of defence; consequently, the entrance of Terre au Bœuf road being just at the Turn, must be viewed as a military position for the defence of the approaches to New Orleans.

Question.—Do you not believe that had the army remained at Terre au Bœuf instead of moving to Natchez, the losses it sustained would have been much less?

Answer.—The physicians of our city have observed that in the course of the sickly season, (the summer and autumn) it was dangerous to go out of the air to which we were accustomed: it is probable, according to this, that the troops would have suffered less, had they not changed their position.

Question.—What is the general opinion of the salubrity of Terre au Bœuf, and is there in the vicinity of New Orleans a healthier place?

Answer.—Terre au Bœuf has never been thought an unhealthy place. It appears to me that the general opinion is in favour of it, in as much as many persons of property, Creoles as well as Americans, have settled there, and there are large sugar establishments there which would not have been formed, if its salubrity had not been ascertained. From the knowledge I have of the country, and the different situations about it, I do not believe there is in the environs of New Orleans a more healthy place.

Question.—From your experience of the climate, do you not think that the movement of the troops, during the sickly season, in the summer and autumn, was very prejudicial to their health, and a fatal obstacle to their convalescence?

Answer.—The movement of any troops during the great heat of the summer, and the beginning of the fall (our sickly season) is always fatal to them, especially if they are not seasoned to the climate.

Question.—Was not the summer of 1809 the most unhealthy known for many years?

Answer.—Yes; more so than the four or five years preceding it.

(Signed)

P. FOUCHÉ.

DEPOSITION OF MR. DENIS DE LA RONDE.

Question.—How long have you been in military service?

Answer.—I entered as a cadet the 1st June, 1778, in the troops of the line of his majesty, the king of Spain, and I left that service the 31st May, 1804, when a captain of infantry. In the 26 years that I have served in the regiment of Louisiana, I was detached from that corps sixteen years, as commandant at Terre au Bœuf. In the year 1808, his excellency Governor Claiborne appointed me a major in the 3d regiment of militia, of the territory of Orleans, which post I now occupy.

Question.—How long have you resided in the province of Louisiana, and the territory of Orleans?

Answer.—I was born in the city of New Orleans. I am forty-eight years of age, and have never gone out of Louisiana, but on military expeditions.

Question.—Do you not believe that Terre au Bœuf is the best military position, to protect New Orleans against a maritime invasion?

Answer.—The place where the General fixed his camp, is, in my opinion, and I have no doubt in that of every well intentioned person, who understands the locality, the most advantageous position for the protection of New Orleans against a maritime invasion; because it is nearly equi-distant from the Lakes Borgne, Pontchartrain, Lery and Barataria, from the Bayous Bœuf, and those which communicate with the lakes; and because in less than a day's march, the army might reach any one of those points, which are alone convenient for a maritime expedition. New Orleans and the Fort at Placquemine might receive prompt succour from the army.

Question.—What is the general opinion respecting the salubrity of Terre au Bœuf; and could a more healthy spot be found in the neighbourhood of New Orleans?

Answer.—It is generally understood, that Terre au Bœuf is one of the healthiest places in the environs of New Orleans?

Question.—Do you not believe that if the army had remained at Terre au Bœuf, the losses they sustained from disease, and which continued during their march to Natchez, would have been infinitely less considerable?

Answer.—I, among many other persons, was much astonished, that at a moment when the troops, encamped at the head of Terre au Bœufs, were assailed by disease, they should be ordered to Natchez; a movement which, most certainly, could not fail to affect the health of the men who were well, and prevent the re-establishment of the convalescents. The period at which the troops were put under march, being that in which the diseases of Louisiana are the most dangerous. The year 1809, moreover, being very fatal, not only to persons not seasoned to the climate, but also to the natives of the country.

Question.—From your observations, and the knowledge you have of the climate, do you not believe that the movement of the troops, after the commencement of diseases, and their continuation during the summer and autumn, will be injurious to their health, and an insuperable obstacle to their convalescence?

Answer.—I am perfectly convinced, from experience, that troops ought never but in cases of absolute necessity, to be marched in Louisiana, during the

months of June, July, August, September and October; since, in these months, the heat is extreme, and diseases most frequent, and most dangerous.

Question.—Informed as you are of the situation of the camp, at Terre au Bœuf, what was the condition of the site of the encampment, before the American troops occupied it? What kind of improvement or work was made afterwards, which was not absolutely necessary for the convenience and accommodation of those troops?

Answer.—At the arrival of the troops at Terre au Bœuf, the ground on which the camp was formed, was a natural meadow; there were many handsome live oaks, with small undergrowth and briars. The undergrowth and briars were cut down, and the live oaks, which furnished a shade and coolness, as useful as agreeable in a warm climate, were preserved. The ditches, which received the water which leaked through the dykes of the river, were cleaned out to convey the water into a ditch, which embraced the front of the camp for about eight acres, &c. There were a great number of small ditches made in the interior of the camp to lead off the rain water to a grand canal in rear of the camp, which the General intended to have extended to the Mandeville creek, a very useful project, but not executed, no doubt for want of time. The greatest part of the tents were floored from the planks of the boats. In the space left between the lines of tents, there was formed, through the whole extent of the camp, an arbour of the palmetto, under which was placed tables and benches for the accommodation of the soldiery. A large hospital was built, which answered the purpose for which it was designed. In short, the anxiety of the General for his troops, induced him to raise roofs of palmetto to cover his sentinels.

I will add to what I have said above, that no position was more convenient for a camp, than that chosen by General Wilkinson, at Terre au Bœuf, inasmuch, as the army could with rapidity, oppose itself from that place to a maritime invasion; and moreover, being only four leagues from New Orleans, and fifty acres from the first settlement of Terre au Bœuf, the army could receive refreshments and accommodation of all kinds: besides, by means of the projected canal, the soldiers would have been able to supply themselves with every kind of fish without expense.

P. DENIS LA RONDE.

DEPOSITION OF MR. THOMAS DE VILLANUEVA.

Question.—How long have you been in service?

Answer.—I entered the service at the age of sixteen. I was an officer in the regiment of Louisiana, and since the cession of the country, I have been a major in the militia.

Question.—How long have you resided in the territory of Orleans?

Answer.—I arrived in this colony in 1780, and have constantly lived here.

Question.—Are not the environs of Terre au Bœuf regarded as the most healthy situation in the neighbourhood of New Orleans?

Answer.—Terre au Bœuf has always passed for one of the most healthy places in the neighbourhood of New Orleans.

Question.—Is it not the best position for the defence of New Orleans, against a maritime invasion?

Answer.—So much has that position been esteemed for the defence of New Orleans, that the French once erected a fort there, the ruins of which are still to be seen. It is the bend of the river that renders this point so favourable; for it is impossible for a vessel to pass it without a sudden change of wind.

Question.—Was not the summer of 1809, one of the most mortal known in the country for many years?

Answer.—Excepting the summer of 1797, that of the last year was the most fatal; and I never knew a year in which there was a greater mortality.

Question.—From the knowledge you have of the climate and of its dangerous influences, do you not believe that the movement of the troops from Terre au Bœuf, for Natchez, was the cause of the great mortality which ensued?

Answer.—I do not doubt that the movement of the troops was dangerous, inasmuch as the sick, exposed upon the river to the heat of the sun, could not have the comforts which might have been procured for them on land.

(Signed) THOMAS DE VILLANUEVA.

DEPOSITION OF JUMONVILLE DE VILLERS.

Question.—How long have you been in service?

Answer.—I served his majesty, the king of Spain, twenty successive years; four years as cadet, and sixteen as an officer; after which, I had permission to retire, being mustered in the staff of the post of New Orleans, with a pension, which I enjoy to this day.

Question.—How long have you resided in the province of Louisiana, and territory of Orleans?

Answer.—I was born in New Orleans, and never left it, except on some military expeditions, or other military affairs.

Question.—Do you not believe that Terre au Bœuf is the best military position, for the protection of New Orleans against a maritime invasion?

Answer.—The head of Terre au Bœuf is, of all military positions, the most advantageous for the protection of New Orleans, against a maritime invasion; as, from it, you may communicate promptly with lakes Pontchartrain, Borgne, Lery, and Barataria, the only points at which maritime descents can be effected. The short distance also from the place of encampment to the city of New Orleans, and to the fort at Placquemine, renders that position still more valuable?

Question.—What is the general opinion of the salubrity of Terre au Bœuf; and is there, in the vicinity of New Orleans, a healthier position?

Answer.—I think that Terre au Bœuf is as healthy as any other place in the environs of New Orleans.

Question.—Do you not believe, that had the army remained at Terre au Bœuf, instead of marching to Natchez, the losses it sustained would have been much less?

Answer.—There is no doubt, that the sickly season once past, the troops would have been much more healthy and comfortable in their camp, than on the march to Natchez, since the malignant influence of the climate is more severely felt by the soldier, when exhausted by the fatigues of a march, than by troops in repose.

Question.—From your observations, and the knowledge you have of the climate, do you not believe that the movement of the troops, during the sickly season, and the heats of the summer and autumn, was prejudicial to their health, and a fatal obstacle to their convalescence?

Answer.—Experience has, unfortunately, too often proved how dangerous it is to move troops that are not seasoned to the climate, in the course of the summer or the beginning of autumn. Creoles and strangers well seasoned to the climate, seeing the great number of diseases that prevail in the months of August and September, dread travelling at that season. With much greater reason might we dread, for an army already sick, a long and laborious march, the consequences of which, in an unhealthy season, could not but be fatal.

Question.—Was not the summer of 1809, more unhealthy than any for a long time?

Answer.—In 1809, the diseases were uncommonly fatal; the old inhabitants were not spared, any more than strangers newly arrived; and for more than ten years the diseases were not so general.

(Signed) JUMONVILLE DE VILLERS.

DEPOSITION OF LOUIS DESSALLES.

Question.—How long have you been in military service?

Answer.—I entered the service of Spain in the year 1782, and remained in it until the retrocession of Louisiana.

Question.—How long have you resided in the territory of Orleans?

Answer.—I am a Creole of New Orleans, and have almost always resided there.

Question.—What is the general opinion of the salubrity of Terre au Bœuf: is it not the best military position for the defence of New Orleans against a maritime invasion?

Answer.—Terre au Bœuf may be considered one of the healthiest spots in the neighbourhood of New Orleans. In respect to provisions, it is its garden; in a military view, one of its bulwarks.

Question.—From your observation, do you not think that the movement of the troops for Natchez, in the summer of 1809, contributed principally to the great mortality that ensued?

Answer.—There is no doubt that any journey, undertaken in the heat of summer, and especially by troops who were not seasoned to the climate, must have spread disease amongst them, and prevented the recovery of convalescents, since the same summer was so fatal to the inhabitants of the country, who had all those comforts which the soldier commonly wants, whatever care may be taken of him in other respects.

(Signed) LOUIS DESSALLES.

No. CX.

LETTER FROM THE SECRETARY OF WAR TO GENERAL WILKINSON.

War Department, Sept. 10th, 1809.

Sir.—Your letter of the 10th of August is received, from which it is presumed this will meet you in the vicinity of Natchez, to which place it will be directed.

As the removal of the troops from their encampment at Terre au Bœuf, will have been effected, or nearly effected, and as it is deemed expedient you should be present at the seat of government, you will be pleased, on receiving this letter, to make your arrangements accordingly, and proceed to Washington. General Hampton, who will take command of the troops in your absence, will have received orders to repair to your head quarters, to concert with you, and to take your instructions relative to the cantonment, government, and discipline of the troops; and to receive such information, advice and direction generally, respecting them, as you shall be pleased to give, and the good of the service requires.

In consequence of the objections stated in your letter of 31st July, to the occupying of the grounds near Fort Adams, and those near Natchez, and of the preference given to a position near Buffaloe; a selection of the last mentioned site was referred entirely to your decision. In case the latter should be preferred, will not a division of the troops into two different cantonments, even at a short distance from each other, afford advantages, as to health and cleanliness, and avoid inconveniences incident to one encampment. It is mentioned for consideration, not as imperative.

I am with respect, Sir,
Your most obedient servant,
W. EUSTIS.

General James Wilkinson.

No. CXI.

DEPOSITION OF LIEUTENANT-COLONEL BEALL.

Question.—Were you of that detachment of the army which served last season on the Mississippi.

Answer.—I joined that detachment on the 12th of June, 1809, at camp Terre au Bœuf, and continued with it to the 27th November, 1809.

Question.—On you arrival at the camp, in what condition did you find the ground?

Answer.—About two-thirds appeared to me to be old cleared ground: the remainder was timbered land; the extreme left, was wet, owing to the rainy season, and the height of the river, and its being uncleared; the rear, as is the case throughout that country to a considerable distance above New Orleans, is marshy.

Question.—Did it ever occur to you that any of the trenches were unnecessary?

Answer.—It appeared to me that all the trenches that were cut were entirely necessary to the cleanliness of the camp, and the comfort of the troops. All the principal trenches must have been hurtful, in my opinion, to the planter, inasmuch as I do not recollect having seen any of the kind on any other plantation. The large ditch with the levee in the rear, running parallel with the camp and the river, which cost more labour than all the rest together, and which was very important in furnishing the sentries with a firm and shady walk, must have been particularly hurtful to planters, as in case of an inundation, it would have served only to obstruct the course of the waters, and render them destructive of fences and other property.

Question.—Were the tents floored?

Answer.—Some of the troops were engaged in flooring, when I arrived, and after a short time, I think all were comfortably fixed in that respect; if there were any exceptions, it was disobedience of orders.

Question.—Is such a provision customary in armies, or is it practicable in military operations?

Answer.—In my service in the revolutionary war for seven years, both in the north and south, and a short time of service since, I never saw or knew an instance of tents, generally, floored; nor of arbours or sheds, for the accommodation of the soldiery in like manner.

Question.—Be pleased to state what you recollect concerning the erection of a hospital, of sheds, and other conveniences for the troops?

Answer.—I answer, that steps were taken for the erection of an hospital, and its completion urged with very great solicitude by the General, and in the mean time he rented small houses near his quarters, for the use of the most ill: that arbours were erected in every corps, between the lines of tents, with tables and seats, for the use of the soldiers, to mess and to sit in comfort, secured from the sun and sheltered from the rain: small arbours were likewise erected at every sentinel's post round the camp.

Question.—Be pleased to state your opinion on the use of the musquitoe bars in the camp?

Answer.—The sick in the hospital at camp Terre au Bœuf, were furnished with musquitoe bars. From the low pitch of the soldier's tent, and its being crowded with six men, a bar could not be erected in it to effect; the usual (and very effectual) bar of these insects to a soldier's tent, is a smoke at the mouth, which was directed and very generally done. The musquitoes were not troublesome in the day. I never knew bars provided before, though I have served in countries as much infested with these insects as camp Terre au Bœuf. I have no doubt that numerous fires is a great cause that camps are not so much troubled with musquitoes as common settlements.

Question.—What was the conduct of the General, with regard to the medical department and the sick?

Answer.—The General appeared very anxious with respect to the medical department; frequently calling on the surgeons; consulting with them; inquiring into the state of the stores, &c.; and where there was a want of medical aid, which was produced from the indisposition of our surgeons, citizens of the profession were employed, and in one instance a captain of the line, taken from his duty, and given charge of a regiment. The General's anxiety and at-

licitude for the comfort of the sick soldiers, did not rest on an inquiry of the usage and attendance, but he personally visited the hospital and tents of the sick, both officers and men, and frequently furnished the sick officers with wines, and took many that were dangerously ill, into his own quarters. Some of the sick, as occasion required, were sent to the hospital at Orleans. As the want of hospital stores and medicine occurred, (the vessel containing a supply of those articles from the states, not arriving until some time in August,) the General directed them to be procured at Orleans, as also poultry to be given to the men most in need at the discretion of the surgeons.

Question.—What was the state of the police of the camp, and the conduct of the General with regard to this point?

Answer.—When the subject of the army is taken into view; when it is known that the men were raw, undisciplined, hard of controul, and drawn from the extreme points of the United States, and commanded too by officers inexperienced in the usages of a camp, and the duty and conduct of soldiers and officers, great defects were to be expected; hence the unremitted attention of the General to the police; his orders were frequent and pointed as well as his personal observations when among the officers; nor was any thing unnoticed. A captain of police was daily appointed to visit and inspect the camp and report defects and neglects; in the event the labours of the General succeeded, and before we left the camp it was dry and in good order.

Question.—What was the quality of the provisions?

Answer.—The provision was sometimes bad and much complained of; the General always used his best endeavours to procure better, by remonstrating to the contractor or buying or endeavouring to buy; sometimes condemning, &c. In one instance 100 barrels of flour were bought at New Orleans, by the General.

Question.—What were your ideas about the pay and clothing of the troops at the camp?

Answer.—I have no doubt these were ample and regular, as far as came within the controul of the General; but the ill health of the paymaster, the inexperience of the officers in making rolls, were obstructions to an entire regular payment of the men. In many instances, as might be expected, and is invariably the case with recruits, the clothing of the men had become ragged; in some cases where there was much need, some advance of clothing was made.

Question.—Do you recollect any thing about a petition for the removal of the troops, signed by many of the officers?

Answer.—One of the officers mentioned to me that such a petition was on foot, but I never saw it, and when I (being in his family) mentioned it to the General, he appeared surprised and ignorant of such an intention of the officers. I never heard that any one was authorised to present it, nor did I ever hear that it was presented.

Question.—What do you consider the principal causes of the mortality which occurred at Camp Terre au Bœuf?

Answer.—The soldiers not being accustomed to the hardship and unavoidable exposure of a camp, and the want of experience in the officers to direct them; the circumstance of their being new to that fatal climate, and the year too being unusually sickly. These I think the chief causes of the mortality that occurred at that camp.

Question.—If the General had confined himself to his orders respecting the transport of the troops, by gun boats, in what time could the detachment have been moved to Natchez?

Answer.—I answer from demonstration. As four boats (all that were employed in the transportation) carried up 175 men in fifty days, I think forty gun boats might have removed the army and stores from Camp Terre au Bœuf to Natchez in the same time; 6 or 7 weeks. But if the General had been confined to four, the army and stores could not have been removed complete, in less than 500 days.

Question.—Did not the General use every exertion to remedy this defect of transport, and accelerate the movement?

Answer.—Yes. The General manifested uncommon anxiety on the occasion, and I should partly attribute his illness to his indefatigable industry and concern on the occasion; and very fortunately for the movement, he recollected some old boats, of the public property, at Fort Adams, and ordered them down, which were repaired and used, one or two excepted, being too rotten for repair.

Question.—What was your opinion of the movement of the troops under their circumstances, at that season?

Answer.—I did much dread that the heat, fatigue and obstructions in ascending the river, would prove destructive to the lives of the men; though I did not apprehend so great a loss as was sustained. In the above view, together with the improved order of the camp, I did think it most advisable to remain there.

Question.—In the event did it prove favourable or destructive to the lives of the men?

Answer.—Very destructive. Having the report of the army constantly in view, to the best of my recollection, about 130 men died at camp, in three months, while near 300 died in less than 50 days ascending the river to Natchez, and 80 or 90 more in fifteen days after their arrival at the healthy position at Washington cantonment.

Question.—Was not the fatigue and exposure, at the cantonment near Washington, as great as at Terre au Bœuf, and was not the mortality much greater?

Answer.—The fatigue and exposure was very great at the Washington cantonment, having all the ground to clear and huts to erect. As I left the cantonment about the 27th November, I am not able to answer this question fully.

Question.—For how long a time did Captain Darrington command the detachment ordered up the river; and what disbursements did he make for the army?

Answer.—I think he commanded about 4 or 5 days. Excepting what *he said* he paid for apprehending deserters, I know of no disbursements made by him for the army.

Question.—Did you ever hear or know of the dead of an army in the field, or on a march, being buried, otherwise than in their blankets; and is it practicable to furnish planks?

Answer.—It is impossible on a march to provide coffins for the dead.

Question.—Was it not a general sentiment, that the tranquillity of New Orleans was endangered by the influx from the Spanish provinces, and did it not excite much sensibility?

Answer.—Those sentiments were entertained by some I know, and no doubt did create fear and uneasiness.

Question.—What is your opinion of Camp Terre au Bœuf, as a position to defend New Orleans?

Answer.—I am but little acquainted with the country about the camp, but with my knowledge, if an outward attack was apprehended, which alone could be made by the way of the river or lake, it was a good position, inasmuch as it is policy to attack an enemy as distant from their point of destination as possible. Could the mouth of the river and the lakes be sufficiently defended against the sudden approach of an enemy, the health of the troops perhaps would induce the occupancy of higher ground.

Question.—What is your opinion of the position at Washington, for the protection of New Orleans against external attack or internal commotion?

Answer.—The position at Washington I think is too remote for the defence of New Orleans. I conceive, with every convenience for removing baggage, &c. good boats, expert boatmen, calm weather, &c. a descent from Washington cantonment might be made to Orleans in 5 days.

Question.—Might not an enemy, approaching by the lakes, get possession of New Orleans, before their approach could be known at Washington?

Answer.—Yes, without telegraphic communication.

Question.—What was your observation on the conduct of the officers, as to their respect for orders, and their attention to the police, discipline and health of the men, at Camp Terre au Bœuf?

Answer.—I could not but observe the little respect to orders; hence arose the bad condition of the camp for some time, the want of discipline and attention to the health of the troops. The officer being the father of his men, the best attention and solicitude for their well-being is due. This observation is made with some exceptions.

Question.—What was the conduct of the officers in the execution of orders and with regard to the health of the men in ascending the river?

Answer.—The arduous task of conducting the army the principal part of the way up the river, owing to the ill health of the General, devolved upon myself, which was rendered still more so, from the inexecution of some of the orders which were thought useful in the moment.

WM. D. BEALL.

DEPOSITION OF CAPTAIN DALE.

Question.—Were you of that detachment of the army which served on the Mississippi last season?

Answer.—I embarked the 18th January, 1809, at Annapolis with a full company, part of the detachment ordered for the defence of New Orleans, in which city I arrived the 15th February, and remained on that station until the 10th October, following.

Question.—Were not the troops, both officers and men, addicted to dissipation while in New Orleans? Were they generally afflicted with maladies of one species and another, and particularly diarrhœas?

Answer.—Some of the officers were men of very irregular habits and went

into great excesses, the men generally, as regarded spirituous liquor, and of the most inferior and injurious kind, called taffy. Both officers and men were generally afflicted with the dysentery, from the use of the water of the Mississippi, which, sooner or later, indiscriminately attacked all, and from which cause, in a few weeks after my arrival, I had fifty-six men on the sick report.

Question.—Were not bars or screens against the musquitoes ordered for the whole army; and the officers directed to draw them, and were not bars actually provided for the sick?

Answer.—A general order was issued, bearing date New Orleans, 22d April, 1809, three days after the General's arrival, directing the military agent to purchase musquitoe bars for the army generally, and one hundred for the use of a field hospital, to be delivered to company officers, who were to be held responsible for them. Bars were actually provided for the sick in hospital, both in the city of Orleans and at Camp Terre au Bœuf.

Question.—Was any application ever made to the General for musquitoe nets within your knowledge, and did you hear any great complaint for the want of them?

Answer.—I have no personal knowledge of any application to the General for musquitoe nets; nor did I hear any great complaints for the want of them.

Question.—Do you believe it is practicable to employ musquitoe nets to effect, within the tents of the soldiery (or even as curtains), six men being allowed to a tent?

Answer.—The application of bars within the tents cannot be considered practicable; they would promise most aid as a curtain to the front or door of the tent; but when it is reflected that six men are allotted to a tent, and how general a bowel complaint, either in form of diarrhœa or dysentery, prevailed among them, which occasioned their frequent passing in and out during the night, it is much to be doubted whether any good effect would have resulted from their use. Some even of the officers who had it in their power, from the possession of funds, did not furnish themselves with musquitoe bars.

Question.—Were not smokes directed to be made at night-fall in front of each tent?

Answer.—Having been some time absent from the army in West Florida, for the recovery of my health, I cannot say whether or not an order was issued to that effect, but know that it was the general practice of the men to make smokes before their tents in the evening.

Question.—Was the camp disturbed by musquitoes during the day?

Answer.—No.

Question.—Were there not hospital tents pitched in the rear of the line, to separate the sick from the well?

Answer.—Every regiment had tents specially appropriated for their sick in the rear of the line of officer's tents; most of them had a soldier detailed for a nurse, whose particular duty it was to attend to, and supply the wants of the sick; of this arrangement I have the most perfect knowledge, having acted between one and two months as surgeon to the troops while stationed at Camp Terre au Bœuf.

Question.—Was there not a hospital erected and a house rented for the accommodation of the men most ill?

Answer.—There were.

Question.—Was not the general particular in his attentions to the sick; and did he not frequently visit them, both men and officers?

Answer.—The General did almost daily visit the sick of the army; so rigid was he in urging the medical staff to the punctual discharge of their duty, that he has, on the mere complaint of company officers, threatened the arrest of two of the principal surgeons of the army. When the sick were numerous and the medical staff deficient, owing to their partaking of disease in common with the rest, he procured or caused to be obtained such further aid as was in his power, by hiring two additional physicians, and compelling myself, by an absolute threat, (previous solicitation having proved ineffectual) to leave my duties in the line, and to act as surgeon. In several cases of extreme illness, the General, without regard to the state the officer was from, the corps to which he was attached, or the politics he professed, removed him from his tent to his own quarters, and there gave him the command of every thing in them, and it was an invariable rule, when an officer became ill, if he could not accommodate him at camp, to send him to a fine airy house above the city of Orleans. None but the most base or ungrateful can allege neglect or want of attention in this respect. The General may with truth be said, to have been a father to the sick.

Question.—Were not orders immediately given for flooring the tents?

Answer.—Being sick and absent at the time, I cannot say.

Question.—Do you believe such a provision was ever before made? Is it warranted by military usage? Is it practicable in military operations?

Answer.—I am too young a soldier to say what is the practice of an army, but always understood that the soldier's bed was *straw*. The United States' regulations prove this. Floored tents cannot be practicable in a marching or moving army; of course inconsistent with military operations.

Question.—Have you any recollection of the fatigues, details, and daily duty of the camp, and will you be pleased to state the details you may remember?

Answer.—I was in Florida when the army left New Orleans, and took the field: I returned to my duty in the line, on the 11th or 12th of July; the fatigues and daily details were at that time numerous, though not more so, than the improvements making for the health and cleanliness of the camp required.

Question.—What was the conduct of the General, in regard to the medical department?

Answer.—Every thing was done by the General in his power to aid the medical department; tents were erected in the rear for the use of the sick; a permanent hospital was commenced, which was so far completed as to receive the sick, some time before the army's removal; numerous orders were issued, having for their sole object the health of the troops, by restricting their incaution, and forbidding the purchase or use of articles, tending to produce diseases.

Question.—What was his conduct in regard to the police of the camp, and the discipline of the troops?

Answer.—The General was extremely attentive to the police of the camp, so much so, that the officers and men thought they were, in that respect, rather oppressed. The extreme sickly situation of the troops, added to the great heat of climate, prevented every thing like rigorous training.

Question.—Were not all the principal trenches, and particularly the grand sewer in the rear, (which cost more labour than all the rest together) unfa-

vourable to the cultivation of the land; were not all trees, which furnished a shade, directed to be left standing; and what proportion of the ground was cleared before you reached it?

Answer.—I regard all the trenches as injurious to the planter's interest, and the more so in proportion to the size. All the trees that could bear the name of timber were left standing. The whole of the camp was cleared previous to my arrival.

Question.—Do you not believe that the manifestation of discontent among the troops, was owing to a petition signed by many of the officers, and their unguarded conversations?

Answer.—I was absent from camp, when the petition alluded to was signed. The officers, in many instances, were loose and unguarded in their conversations, especially before their waiters.

Question.—If the General had confined himself to his orders, respecting the transport of the troops, by gun-boats, in what time could the detachment have been moved to Natchez?

Answer.—In case the General had confined himself to, or depended upon, the gun-boats for removal, owing to the sickly situation of the officers and crews, there would have been no rational prospect of reaching Natchez, in or during the year 1809.

Question.—Did not the General use every exertion, to remedy this defect of transport, and accelerate the movement?

Answer.—So far as I have any knowledge, he did.

Question.—What was your opinion of the movement of the troops under their circumstances at that season?

Answer.—I well remember the General's asking me, what was my opinion respecting the removal of the troops, in their present situation, and as well recollect my answer; that I had no doubt but that "the well would sicken, and the sick would die."

Question.—Is it possible, under such a movement, that a sick soldier could have accommodation and comfort, or that medicines could be administered to him to advantage?

Answer.—This interrogatory requires not medical knowledge; every man of common sense must answer, certainly not.

Question.—To what time was the regiment to which you belonged paid up, before you ascended the river?

Answer.—The company I commanded, and the 5th regiment to which I was attached, were all, to the best of my belief, paid up to the 30th of June.

Question.—Was it not a general sentiment that the tranquillity of New Orleans was endangered by the influx from the Spanish provinces, and did it excite much sensibility?

Answer.—Judging the public sentiment from the daily prints, much sensibility was felt, and serious apprehensions entertained for the safety of New Orleans, owing to the arrival of many thousands from Cuba.

Question.—What is your opinion of Camp Terre au Bœuf, as a position to defend New Orleans?

Answer.—The best in its vicinity.

Question.—What of the position at Washington, for the protection of New Orleans, against external attack or internal commotion?

Answer.—Just as good as Washington, in the district of Columbia; because

an invading force could not be discovered until at the Balize, or even still nearer on the lakes, in the rear of Orleans: from either of which positions a decisive blow might be struck before intelligence could reach Natchez; much less could a competent force be put in motion, and descend the river seasonably to its defence; and these objections apply with double force in regard to internal commotion, the success of which is frequently dependent, not only on a single day, but even on a decisive moment.

Question.—Might not an enemy, approaching by the lakes, get possession of New Orleans, before their approach could be known at Washington?

Answer.—Having spent some time on lakes Pontchartrain and Borgne, and knowing their proximity to the ocean, I have not the least hesitation in saying, that the city of Orleans might be both attacked and taken, with a competent force, before the intelligence could reach Washington.

Question.—Suppose boats ready at Natchez landing, how long would it take an officer to break up the cantonment at Washington, embark the troops, and descend to New Orleans in the usual military order, under due precautions?

Answer.—The descent of an army from Natchez in military order to New Orleans, would depend upon too many circumstances to give a positive opinion as to time, but I think there could be little probability of its being effected in time to give succour to the place in case of an attack.

(Signed) RICHARD C. DALE.

DEPOSITION OF LIEUTENANT SAMUEL M'CORMICK.

Question.—Were you of the detachment of the army which served on the Mississippi last season? When did you arrive at New Orleans? When did you leave the detachment?

Answer.—I was. I arrived in New Orleans on or about the 30th March, 1809, and left that detachment about the middle of March, 1810.

Question.—Please to state what you recollect concerning the quarters, provisions, medicines, hospital stores, pay and clothing of the troops, while in that city, and of the market there?

Answer.—The quarters were as good as could be procured. I recollect that complaints were made at one time of the flour and pork, and a survey was held. With regard to medicines, hospital stores, pay and clothing, I know of no cause of complaint while in that city. As to the market, I am uninformed.

Question.—Did you think the troops as well arranged and accommodated as circumstances would admit?

Answer.—I think they were.

Question.—Do you recollect frequent general orders, enjoining company officers, and officers commanding corps and detachments, to attend to the discipline, police, health and comfort of their men, and instructing them with great solicitude on the details of those subjects?

Answer.—Orders to that effect were issued almost daily.

Question.—Were these orders duly regarded?

Answer.—They certainly were not.

Question.—Do you not believe that in a body of 2,000 raw troops, there will be much indolence, ignorance and dissipation among officers as well as men?

Answer.—I should consider that a matter of course.

Question.—Were not many officers obliged by disease to leave the country, and did not some resign in comparatively good health, and abandon their corps?

Answer.—Some officers I know were permitted to return to the United States, and to go to different places to recover their health, and I believe that others did resign and leave camp, whose health did not require it, while the troops needed their attention.

Question.—Did you not perceive that it was impracticable for a general officer, however attentive and indefatigable, to preserve discipline in a body of 2,000 raw troops, all afflicted, and nearly at the same time, with the maladies of a fatal climate, to which they were strangers, without the aid of experienced officers?

Answer.—It was impossible for the General to have his orders carried into effect, where there was so much disease, and so little experience and attention to duty.

Question.—To what cause do you ascribe the ill health which prevailed at New Orleans: and what was the principal disease?

Answer.—Change of climate and intemperate living appeared to me to be the chief causes of the sickness. There were more cases of diarrhœa than of any other complaint.

Question.—How many of the men in your company had been sick; and how many died before you left the city?

Answer.—The company to which I belonged (late Cutler's) lost six or seven men while in the city, and had between 40 and 50 on the sick report at one time, previous to our going to camp.

Question.—Were you of the advanced party which moved to Camp Terre au Bœuf, under Major Pike, on the 1st or 2d of June?

Answer.—I was not.

Question.—What number of sick and convalescents do you suppose were taken from New Orleans to the camp?

Answer.—I have had no opportunity of forming an opinion.

Question.—On the first arrival of the troops in camp, was there not an universal expression of joy at the change, and of approbation of the new position?

Answer.—On our arrival at camp the troops generally appeared to be pleased with the change.

Question.—What was the state of the ground at that moment?

Answer.—There was a fine shade of live oaks along the front and right of the line, and a large portion of cleared ground in and around the camp. Great part of the left and rear was timbered land, and covered with brush and underwood.

Question.—What portion of the ground do you suppose was cleared by the troops?

Answer.—About one-third.

Question.—Was it not during the rainy season that the troops arrived, and was it not generally said, that the inundations of the Mississippi were more extensive that season than for many years antecedent?

Answer.—It was a very wet season, and the river was said to be higher than it had been for several years.

Question.—Do you not recollect its making an immense breach in the levee, a few miles above the camp?

Answer.—Yes.

Question.—Did it ever occur to you, that any of the trenches were unnecessary?

Answer.—No; the trenches appeared to be of infinite service.

Question.—Do you not believe that the grand sewer of the camp (which required as much labour as all the rest together) was highly serviceable, and important in extending the camp to the rear, and furnishing the sentries with a firm bank, well shaded for their posts?

Answer.—I did think that the sewer was extremely useful.

Question.—Did you ever see a ditch of that kind on any plantation in that country?

Answer.—No. I never saw one run in that way.

Question.—Do you not think that such a ditch and levee are entirely opposed to the views of planters, and would, in case of an inundation, be destructive to their crops, fences, and other property, whose safety depends upon the unobstructed course of the water to the lakes?

Answer.—I think it quite different from the custom of the planters, and believe it would be esteemed by them as hurtful to a plantation.

Question.—Were not orders issued immediately on the arrival of the troops, for flooring the tents; and were not boards furnished for that purpose?

Answer.—Yes. The boats, in which the troops had descended the river, were ordered to be broken up and used in flooring the tents.

Question.—Do you not believe that all the tents were floored in less than ten days; and would you not think any instance to the contrary a proof of most reproachful negligence in the officers concerned?

Answer.—I believe that every tent in the 7th regiment, to which I belonged, was floored in less than ten days; but there were some tents in the camp, that were not floored in a month after our arrival.

Question.—Do you believe that such provision was ever before made? Is it warranted by military usage? Is it practicable in military operations?

Answer.—I never heard of a provision of the kind before, and I should suppose it impracticable in active service.

Question.—Did the health of the troops improve after their arrival, and were not men and officers pleased with the change for several weeks?

Answer.—The health of the company to which I was attached improved.

Question.—Were not bars or screens, to guard against the musquitoes, ordered for the whole army, and the officers directed to draw them; and were not bars actually provided for the sick?

Answer.—There was an order of that kind, and bars were provided for the hospital.

Question.—Do you believe it is practicable to employ musquitoe nets to effect within the tents of the soldiery (or even as curtains), six men being allowed to a tent?

Answer.—I am confident they would not have been of the least service.

Question.—Were not smokes directed to be made at night-fall in front of each tent; and had not this the effect of driving off the musquitoes?

Answer.—That plan was effectual. There were very few musquitoes in the line after the smokes were raised.

Question.—Was the camp disturbed by musquitoes during the day?

Answer.—I never found them troublesome during the day.

Question.—Have you not known many parts of the United States equally infested by musquitoes, where no precautions were taken against them?

Answer.—I have known many part on the western waters, where the musquitoes were quite as troublesome as there, and where they use no other precaution than that of raising smokes.

Question.—Was not a field hospital erected which, in ordinary cases, would be abundantly large for 1800 men?

Answer.—I think it would have been large enough for all the dangerous cases

Question.—Do you not recollect that that work was urged with the greatest zeal and anxiety by the General, and that in the mean time he rented a house, near the camp for the accommodation of the men most ill?

Answer.—I know that he was always urging the finishing of the hospital; and I recollect that some of the worst cases in the 7th regiment of infantry, were sent to a house, which the General had procured near his quarters.

Question.—Were there not tents pitched in the rear, in order to separate the sick from the well?

Answer.—Yes. We had in our regiment as many as we wanted.

Question.—Were not sheds erected between the lines of tents, from one extremity of the camp to the other, capable of turning rain, and with convenient tables and benches under them, for the use of the men?

Answer.—Comfortable sheds of that description were erected throughout the camp in a short time after our arrival.

Question.—Was not the General particular and indefatigable in his attentions to the sick men and officers?

Answer.—The General frequently visited the hospital, and it is well known to all officers, *that rose early in the morning*, that the General was attentive to the sick, as he was to be seen, as soon as it was light enough to find the way along the line. The worst cases, among the officers, were taken to his own quarters.

Question.—What was his conduct with regard to the medical department, and with regard to the police of the camp, and the discipline of the troops?

Answer.—With regard to the medical department, I know but little. He frequently urged, in his orders, the surgeons to attend to their sick; to report their situation to him; to apply to the brigade quarter-master for stores and medicine; and he employed three surgeons, not of the army, to assist. As to police, his orders on that subject were repeated almost daily, and he was constantly examining, in person, into the police of the different corps, and reproving those that were remiss; the consequence of which was, that the camp was in very handsome order before we left there. As to the discipline, the heat of the weather, the rains, the fatigues, and the sickness interfered with the drill.

Question.—To what time was the regiment, to which you belonged, paid up at the camp?

Answer.—I believe to the latter end of June; being in the staff, I drew my own pay to the last of August.

Question.—What do you suppose was the cause of the delay in paying off the troops?

Answer.—The paymaster informed me that he was so unwell, he was not able to attend to it, a great part of the time; and he found great difficulty in getting the rolls made out correctly.

Question.—In what condition was the clothing while at camp, and how do you account for it?

Answer.—There was but little clothing due in the company to which I belonged, but they had worn it out, as recruits generally do.

Question.—When were the new supplies landed in New Orleans.

Answer.—I do not recollect when they were landed, but I received a pass about the middle of September, to be transported to Natchez.

Question.—How many men of your company died while at camp?

Answer.—One.

Question.—Do you not believe that the manifestation of discontent among the troops, was owing to a petition signed by many of the officers, and their unguarded conversations?

Answer.—I have always been of that opinion.

Question.—Were not many signatures obtained to that petition, in consequence of its being hurried through the camp, accompanied by a report that the General approved of it?

Answer.—Yes. I was induced myself to sign it upon no other ground.

Question.—Was it not suddenly stopped, in consequence of the falsehood of that report being detected, so that it was never shewn to the two corps on the right?

Answer.—I know that it was suddenly stopped, but I know not for what reason.

Question.—Did not most of the officers who had signed it, regret having done so?

Answer.—For my part, I was extremely vexed on discovering I had been so much imposed on, and heard some others reflect in like manner.

Question.—Was any one authorised to present it to the General, and did you ever hear, while at camp, of an attempt of that kind having been made?

Answer.—I never heard that any one was authorised to present it to the General, or that it was ever presented to him.

Question.—If the General had confined himself to his orders, respecting the transport of the troops by gun boats, in what time could the detachment have been moved to Natchez?

Answer.—The movement of the troops by the gun boats, might have had a beginning, but when it would have ended I am not able to say; but judging from what was done, I suppose in 15 or 18 months.

Question.—Did not the General use every exertion to remedy this defect of transport and accelerate the movement?

Answer.—On the 17th August, I was charged with the superintendency of repairing the public boats, which had arrived a few days before, from Fort Adams; they were in very bad order and some almost rotten; I was obliged to have them drawn up, patched and caulked, to refit them for service. Rudders, oars, masts and sails were also obliged to be made, which was completed by the 10th September. A few others were also procured in New Orleans, which were likewise repaired at camp. In the course of this work, the General attended daily to urge the progress of it, except a few days when confined by sickness; and I was authorised to call for any number of men, and all the artificers that could be of service to me.

Question.—What was your opinion of the movement of the troops, under their circumstances, at that season?

Answer.—I thought, from the observations I had made during ten years residence on the western waters, that it would be attended with bad consequences.

Question.—In the event did it prove favourable or destructive to the lives of the men?

Answer.—It proved destructive. We buried more than double as many in sixty d[illegible] ascending the river, as we had lost in upwards of three months at camp.

Question.—What portion of the ground of the encampment at Washington was cleared by the soldiers?

Answer.—The whole of it.

Question.—Was not the fatigue and exposure at the cantonment near Washington, as great as at Terre au Bœuf; and was not the mortality much greater?

Answer.—For two or three months the fatigue was constant; every man that could do any thing being ordered on it, and the mortality was much greater than it had been at Terre au Bœuf.

Question.—Do you know any thing of Captain Darrington advancing his private funds, for the use of the army?

Answer.—Captain Darrington had the command for a few days in ascending the river. He asked me, as acting brigade quarter-master, if I had any public money, informing me that a man had brought in two deserters, and he had agreed to pay him: I replied, that by taking the necessary vouchers, the money would be refunded him; which he accordingly did, and this is all the money that I know him to have expended while commanding officer. The next day Colonel Beall resumed the command.

(Signed) SAMUEL M'CORMICK.

DEPOSITION OF CAPTAIN NINIAN PINKNEY.

I have been in the army of the United States since February, 1801.

I was appointed brigade inspector, and ordered to New Orleans, where I arrived on the 31st March, 1809.

The public buildings not being sufficient for the accommodation of but a small proportion of the troops which had arrived, and was daily arriving, they were quartered in all parts of the city and fauxbourgs in comfortable houses. The sick reports soon became very considerable, and I understood the diseases to be chiefly the dysentery, which attacks all strangers, and of which a number of the men died. The provisions issued to the troops were salted pork and beef, bread and flour, which I have understood was not of the best quality, nor do I believe good flour or fresh beef in large quantities could have been procured in the country.

A detachment of troops under the command of Major Pike, left New Orleans on the 3d June for Terre au Bœuf, to prepare the ground for an encampment, and the remainder of the army went down on the 9th and 10th of the same month; at which time I went, and found the ground as well prepared as the short time given them would permit, but some small under-wood, briers and weeds, remained to be removed on each flank of the line, and ditches to be cut to carry off the water when the rainy season should come on; and for this purpose a general fatigue was detailed, consisting of two captains, four subalterns,

and two hundred men, which was reduced in proportion as those objects were accomplished, and was entirely taken off by the 1st August.

The tents of the men and officers were made comfortable by flooring them with the plank taken from the boats in which they ascended the river, and erecting sheds covered with palmettos to protect them from the sun and rain; and every exertion was made by the General to establish and keep up a strict police, as can be seen by the general orders issued at that camp.

I have heard the surgeons and surgeons' mates frequently complain of the want of hospital stores and medicines; and I have understood that the greater part of those articles used at Camp Terre au Bœuf was purchased at New Orleans. The regular supply from Philadelphia did not arrive in Orleans until about the 1st September, at which time the clothing arrived also. Some of the companies were at this time much in want of clothing, not that they had much due them, but because they had spoiled and worn it out before the expiration of the year; and it is a fact well known in the army that the clothing of recruits will not last them the first year unless the officers take much care.

I do conceive Terre au Bœuf the most eligible place for an encampment I have seen on the Mississippi within fifty miles of New Orleans.

The diseases with which the troops at Camp Terre au Bœuf were afflicted were complicated, and of various kinds, and the physicians differed very much as to their mode of treatment.

The troops were not paid so frequently as the law directs; but I believe as often as the nature of the service would permit.

I do not recollect to have heard that the General had received orders to move the troops up the river until he was making arrangements to carry it into effect, and that was about the 1st August.

I do not think a sufficient number of boats could have been had at any time between the 14th June and the 10th September, to transport the troops to Natchez; indeed I am satisfied they could not.

[*Questions by the Committee.*]

Question.—In what situation did you find the ground at Terre au Bœuf on your arrival at that place?

Answer.—The ground at Terre au Bœuf, on which the encampment was making, had the appearance of having once been cultivated as far as the centre, from the extreme right of the line; the other part had never been cleared before, and was covered with under-wood and briers, and required to be trenched, to take off the rain water.

Question.—How long after your arrival at the camp was it before the tents were generally floored?

Answer.—The tents of the men were all, or nearly all, floored in eight or ten days after my arrival.

Question—What was the quality of the provisions with which the troops were supplied at Terre au Bœuf, and what measures were taken to procure those of a better quality?

Answer.—The meat part of the ration was generally fresh beef, and as good as the country commonly affords. The bread and flour was not good, and the General made a purchase of, I think, one hundred barrels on account of the contractor, of the best flour that could be had in the city of Orleans; but when it was issued it was found very little better than what the contractor's agent was issuing.

Question.—Were musquitoe nets or bars necessary for the troops, and were they provided?

Answer.—Musquitoe nets are necessary at all points and places on the Mississippi, from the bluff or Natchez to the Balize, at least four months in the year; but the troops were not furnished with them except for the sick in the hospital.

Question.—Are you acquainted with the country generally in the neighbourhood of New Orleans?

Answer.—I have no knowledge of the country in the neighbourhood of New Orleans, at any considerable distance from the river banks, except what I have learned from others.

Question.—Do you not believe the sickness and deaths were increased by the badness of the provisions, and the want of hospital stores and medicines?

Answer.—I have no doubt of it.

Question.—Are you acquainted with the country above New Orleans, and the positions best calculated for military sites?

Answer.—I am not acquainted with the country between New Orleans and Fort Adams back from the river. The best sites for military positions are in the neighbourhood of Fort Adams and Natchez.

Question.—Do you know whether any opinions were expressed among the officers in favour of a removal of the troops from Terre au Bœuf up the river, and whether these opinions were made known to the General, and at what time?

Answer.—I know that opinions were expressed among the officers in favour of a removal of the troops from Camp Terre au Bœuf up the river; and I believe those opinions were partially made known to the General, but at what time or by whom I cannot say.

(Signed) N. PINKNEY.

No. CXII.

GENERAL WILKINSON'S CORRESPONDENCE WITH CAPTAIN PORTER AND LIEUTENANT CARROLL.

Head Quarters, Camp Terre au Bœuf, July 21, 1809.

Sir.—I this morning received orders to make a movement of the troops about one hundred leagues up the Mississippi, and am advised by the secretary of war, and also, by the copy of a letter from the secretary of the navy to you, that I must look to you for transport by gun-boats, under your orders. It is therefore, sir, necessary that you should direct the most prompt assembly, circumstances may permit, of all the gun-boats under your command, in the vicinity of this camp, to receive the troops, their baggage, tents, camp equipage, and provisions, for their destination; and I shall be happy in receiving your advice and personal co-operation. For my own government, and the information of the executive, I shall be obliged to you to give me your opinion of the number of men, &c. each gun-boat can receive, for a voyage of one hundred leagues

up the Mississippi? Whether they can be lodged on board, or must encamp? and how many days it may require to make the voyage at this season? I shall be happy to hear from you as soon as possible.

I have the honour to be,
With great consideration and respect,
Sir, your obedient servant,
(Signed) JA. WILKINSON.

Captain Porter, Navy U. S. Bay St. Louis.

Sir.—I will thank you to inform me what number of troops a gun-boat will accommodate, with their tents, baggage and camp furniture, and provisions, on a voyage of one hundred leagues up the Mississippi, to commence the movement as soon as possible. I shall be obliged to you to give me this information on to-morrow, or Sunday at furthest, and to send it me by express, if an opportunity should not present.

With respect and esteem, I am, sir,
Your obedient servant,
(Signed) JA. WILKINSON.

Be pleased to forward the enclosed to Captain Porter, by the first opportunity.

Lt. Carroll, Navy U. S. New Orleans.

Sir:—In answer to your communication, I have to inform you that a gun vessel will accommodate about forty men with bag and baggage; how soon though the movements will be able to take place, I cannot ascertain, as Commodore Porter has all those boats any ways fit for service at the bay of St. Louis; and the two boats that are up here are repairing and not manned.

Your letter to Commodore Porter I shall forward immediately.

With great respect, I have the honour to be,
Your very obedient humble servant,
(Signed) M. B. CARROLL, *C. N. Yard.*

His Excellency General James Wilkinson,
Commander in Chief of the Army.

Head Quarters, Camp Terre au Bœuf, July 23d, 1809.

Sir.—On the suggestion of Mr. Hambleton, your purser, *who examined my letter to you of the 21st instant,* and to prevent unnecessary delays, I transmit you, under cover, a copy of the letter from the secretary of the navy to you, to which I have had reference; and am, with much consideration and respect, your obedient servant.

(Signed) JA. WILKINSON.

Captain Porter, Navy U. States.

APPENDIX.

Bay St Louis, July 26th, 1809.

Sir.—I have the honour to acknowledge the receipt of your letter of the 21st and one of the 23d instant, covering a copy of orders from the honourable secretary of the navy, dated 22d June, 1809; in conformity to which, I have despatched the United States' bomb ketch Vesuvius, United States' gun-vessels, Nos. 19, 24, and 64, from this place to New Orleans, to report themselves to lieutenant commandant Carroll, whom I have charged with the duty of superintending the transportation of the troops, under your command, from New Orleans to some place about one hundred leagues up the Mississippi. Lieutenant Carroll will, in addition to the above vessels, have under his command, gun-vessels, Nos. 5, 12, 14, 16, 18, 26, 27, 58, 65; and I shall use every means in my power, to inculcate on him, as well as on the other officers, the necessity of harmonising with the military, in every matter necessary to the most speedy attainment of the object intended to be effected.

The Vesuvius will carry 60 men with their baggage.

Gun-vessel, No. 5,	40
12,	40
14,	40
16,	40
18,	40
19,	40
24,	40
26,	30
27,	40
58,	30
64,	30
65,	30
	500 men.

Some of those vessels are now at New Orleans and in the river, will shortly be in readiness to receive the troops on board, and the others will be at New Orleans with all possible expedition. Lieutenant Carroll will inform you of their arrival, and in the course of the week it will be in my power to order more vessels on this service, of which you shall be further informed.

I should suppose, that forty day's provisions would be necessary to serve them, for an ascent of 100 leagues; and on the score of expedition, am of opinion that it would be best for them to be lodged on board, under the awning, by which the vessels will be better enabled to take advantage of the favourable winds at night.

I have the honour to be, with great respect,
Your obedient servant,
(Signed) D. PORTER.

General James Wilkinson.

On board the felucca Alligator, Lake Pontchartrain, August 1, 1809.

Sir.—Understanding from various quarters, that you have taken counsel as to the propriety of removing the troops under your command at this season of the year; and being desirous of using every means in my power of preserving

the health of the crews of the vessels under my command, and particularly so of keeping them from the city in its present unhealthy state, as well as to avoid as much as possible, exposing them at this time to the fatigue of ascending the river, must request you will do me the favour to inform me whether it is your intention to remove them immediately. The vessels mentioned to you in my letter of the 26th, are now at, and on their way for the city. The weakness of their crews will prevent so speedy an assemblage as I could wish; and in my view of preserving their health, I cannot permit them to be exposed to the labour of tracking, unless under the most absolute necessity.

Should it be your intention to remove them at a distant period, I shall feel equally obliged by being informed of the time the movement is to commence, in order to make arrangements to meet the views of the war department, unless contingencies should arise that may make it impossible for me to send vessels on this service. I am now on my way to the Amit, with a view of making further arrangements with the vessels there, to hasten, if necessary, the removal of the troops; will thank you to cause your answer to be delivered to Mr. Samuel Hambleton, purser on this station, as the surest and most speedy means of reaching me.

I have the honour to be, with great respect,
Your obedient servant,
D. PORTER.

General James Wilkinson, Camp Terre au Bœuf.

Head Quarters, Camp Terre au Bœuf, August 3, 1809.

Sir.—I have received your letter of the 1st instant, and have barely to observe, that I wait only the arrival of the transport which you have been directed to furnish, to commence my movement up the river. Whatever may be my opinion of the proposed operation at this season, the tenor of my orders forbids the exercise of discretion.

I think proper to apprise you, that the least number I shall move with will be fifteen hundred men, and that the vital interests of the service require, that no halt should be made at New Orleans. I therefore trust every previous arrangement for the voyage, will be made before the troops are embarked, which may be done in six hours after the boats reach the vicinity of this camp.

Very respectfully, I have the honour to be,
Sir, your obedient servant,
(Signed) JA. WILKINSON.

Captain Porter, U. S. Navy, River Amit.

New Orleans, August 21st, 1809.

Sir.—I herewith have the honour of informing you that ten vessels are now ready to take the troops on board. Your barge also is ready, and you will please to send some person for the purpose of taking charge of her.

With great respect, I have the honour to be,
Your obedient humble servant,
(Signed) M B. CARROLL, *Lieutenant.*

General James Wilkinson, Commander in Chief of the Army.

New Orleans, August 24th, 1809.

Sir.—Being on the eve of making definite arrangements for the embarkation of the troops, I must beg you to inform me what transport you can with certainty furnish, and at what time within four days.

I am respectfully, Sir, your obedient servant,

(Signed) JA. WILKINSON.

Lt. Carroll, Navy U. S. New Orleans.

New Orleans, August 24th, 1809.

Sir.—I have the honour to report to you, that six boats are in a state of readiness equipped and manned; and three more I expect here every moment; if the number of their crews are complete, they will join the above mentioned six.

With great respect, I have the honour to be,

Your obedient, and humble servant,

(Signed) M. B. CARROLL, *Lieutenant.*

General James Wilkinson,
Commander in Chief of the Army.

New Orleans, September 1st, 1809.

Sir.—I am here to take conclusive arrangements with the contractor, for shipping his provisions this day or to-morrow morning, for the subsistence of the troops, on board your vessels, who are destined for Natchez. The known sickness which prevails among your crews, induces me again to inquire, what number of boats you can immediately furnish. This knowledge is necessary to the regulation of my demands on the contractor. Be pleased to add the number of men each boat can carry; and I shall thank you for your immediate answer.

Respectfully, I am Sir, your obedient servant,

(Signed) JA. WILKINSON.

Lieutenant Carroll, Navy of the U. S.

New Orleans, September 1st, 1809.

Sir.—In reply to your communication of this day I have to inform you, that only four gun vessels and the ketch Vesuvius now can be manned out of the crews, and fit to go up the river. The whole will carry 200 men. I shall despatch a boat this day for the bay of St. Louis, and if Commodore Porter should not return himself, at all events I shall receive his communications for the purpose, to know if the ketch Etna may be joined to the above number, or her crew be dispersed among those boats that are deficient, of which I shall give you information as soon as received.

With great respect, your obedient humble servant,

M. B. CARROLL.

His Excellency Gen. James Wilkinson.

APPENDIX.

Extract.——Commodore Porter to General Wilkinson.

Bay St. Louis, September 1*st*, 1809.

It is the cause of much regret to me, that the extreme unhealthiness of our crews should have prevented our being of more assistance to the army in ascending the river; and it affords me particular pleasure, that you have determined on the plan of transporting chiefly in barges, as I was under serious apprehensions that our unhealthiness would retard your movement until the middle of October; but the small number of vessels now required will make no delays on our account whatever necessary.

General Wilkinson to Lieutenant Carroll.

New Orleans, September 2*d*, 1809.

Sir.—The contractor being ready with his provisions, I will thank you to embark them, and fall down the river with your vessels to receive the troops as soon as may be.

Respectfully, I am Sir, yours, &c.

(Signed) JA. WILKINSON.

Head Quarters, Camp Terre au Bœuf, September 6*th*, 1809.

Sir.—I have had the honour to receive your favour from the bay of St. Louis, and thank you for it.

I returned here at an early hour yesterday morning, expecting to find the gun boats and ketch, but they are not yet in sight, and I wait only their arrival to decamp. Will you have the goodness to quicken their movements? I think you mentioned to me, en passant, five boats; these with the ketch will suffice, and I would to Heaven I could do without them.

With great respect, I am Sir,

Your obedient servant,

(Signed) JA. WILKINSON.

Captain Porter, U. States Navy.

New Orleans, September 6*th*, 1809.

Sir.—A report (a copy of which I enclose you) has this day been made to me by Lieutenant-commandant Carroll, shewing the number of officers and men now on board the gun vessels at the city, and placed by me under his command, for the purpose of assisting in transporting the army.

You will discover by that report, that every vessel, except Nos. 5, 64 and 27, are incapable of ascending the river, for want of men, and have not a sufficient number even to take care of them.

Our hospital is full of sick, and I can hardly hope for their recovery, until the approach of cold weather.

Great exertions have been made to inlist the necessary men, without effect, and I shall add to them by opening a rendezvous in the course of a few days. I have not received the report from the Vesuvius, but as I have drafted men from her, for the preservation of the vessels in the lakes, and as I discover, by a report, that nine of her men are in the hospital, I am compelled to state to you, her present incapacity to ascend the river. How long the three aforementioned vessels will be in a state for service, is uncertain: the probability is, that before the troops will be in readiness to move, all will be disabled. Three other vessels are now on their way up the river; and judging of the future from the past, I am induced to believe, their crews will be attacked by the same malady that has prevailed among the others.

I consider it my duty to make to you this statement, in order (if you should deem it advisable) that to avoid being disappointed, other means of transportation should be adopted.

Lieutenant-commandant Carroll has informed me, that a quantity of provisions has been sent on board, and that the vessels where it has been deposited, are incapable of moving, for want of men.

I have the honour to be, with great respect,
Your obedient servant,
D. PORTER.

Gen. James Wilkinson.

ENCLOSURE.—(*Copy.*)

September 5, 1809.

The following is a correct list of officers, petty officers, seamen, ordinary seamen, boys and marines, on board the following gun boats, at New Orleans:

Gun boat,	No. 5,	Mr. Sheriff,	7 men.
	19,	Mr. Williamson,	4 men.
	64,	Lt. Comdt. Henley,	11 men.
	58,	Mr. Fleetwood,	4 men.
	26,	Lt. Comdt. Reed,	5 men.
	27,	Mr. Johnson,	7 men.
	16,	Mr. Peters,	1 man.
	18,	Mr. Spedder,	3 men.
	24,	Mr. Carter,	5 men.

(Signed) M. B. CARROLL, *Lt.*

Commodore D. Porter.

No. CXIII.

ORDER OF THE 22d AUGUST.

The boats being equipped, Captain Bentley and every man and officer of the 6th regiment, who may be embarked with safety, will proceed on the morning of the 24th, for New Orleans. And if a sufficiency of barges be in readiness, Doctor Claude will embark the same day, with such men and officers as may be fit subjects for the general hospital at New Orleans, and incapable of sustaining the voyage to Natchez on board the gun boats or barges.

No. CXIV.

FIELD REPORT OF THE TROOPS, AUGUST 27th, 1809.

[See page 407 of vol. II.]

No. CXV.

SURGEONS' REPORT, SEPT. 15th, 1809.

[See page 410 of vol. II.]

No. CXVI.

DEPOSITION OF JAMES CALHOUN, Jun.

Question.—Were you acquainted with the deceased Captain John M'Clellan of the United States army?

Answer.—When Captain M'Clellan came from Charleston, South Carolina, to Baltimore, to take the command at Fort M'Henry, he brought from my brother, who then resided at Charleston, a letter recommending him to me, which caused our first acquaintance; from which time, till he was ordered to St. Louis by General Wilkinson, I was in habits of intimacy with him.

Question.—Do you know any thing of a commercial adventure of the said M'Clellan, to St. Louis, in the year 1805?

Answer.—I do; for immediately after Captain M'Clellan received his orders to accompany General Wilkinson to St. Louis, he came to me to make them known; and stated his hard fate as an officer in the army, who being ordered to the command of a post, and forming a pleasant acquaintance, was liable to be ordered away at every moment to another command among strangers, of habits and manners so different, that it had made his profession a very unpleasant one; and that he had formed such attachments at Baltimore, that were he not so dependent, he would be highly gratified at a prospect of making it his future residence. I then suggested to him, that as he was going to a new country, where I had understood a very profitable commerce might be carried on, he had better take with him a small assortment of goods calculated for the trade of the country, by which he would be enabled to form an opinion whether it would not be advantageous to resign his commission, and become a trader: he stated to me his inability to make such an experiment, as he had no funds, and did not suppose he had sufficient credit? I told him that the firm in which I was interested, would furnish him with the goods, and take an interest in the adventure, with which proposition he was highly pleased.

Question.—What quantity of merchandise did he take with him, to what amount, and what might be the weight of it?

Answer.—I do not recollect the number of packages which contained the merchandise, but suppose about eight; the value was $2,488 28 cents, and the weight from 2,400 to 2,500 pounds.

Question.—Did he pay the transport of said merchandise to Pittsburgh, and did he employ and pay a pilot for his boat in ascending the Mississippi?

Answer.—In an account current settled with Captain M'Clellan, by the respondent, in the spring of 1806, after said M'Clellan's return from St. Louis to Baltimore, he charges the sum of 97 dollars and 25 cents, paid at Pittsburgh, on the 7th of May, 1805, to James M'Nutty, for the transport of the merchandise from Baltimore to Pittsburgh. To enable him to make said payment, he drew a bill at Pittsburgh on the respondent, in favour of Robinson S. Stuvant, for which he received the money; and in the same account he charges the sum of 25 dollars, paid J. Lorimer, a known and experienced pilot, on the 2d July, 1805, for piloting his boat from Cape Jarido to St. Louis; the vouchers for both of which payments were in Captain M'Clellan's possession on his return to Baltimore, and presented to the respondent.

Question.—What is the carriage paid of transport from Baltimore to Pittsburgh, per 100 pounds?

Answer.—The general price is about four dollars per 100 pounds.

This respondent has no other knowledge of any thing relating to the subjects directed to be inquired into by the honourable committee, by the resolution passed by the House of Representatives of the Congress of the United States, on the 18th day of December, 1810.

J. CALHOUN, Jun.

No. CXVII.

LETTER FROM THE SECRETARY OF WAR TO THE COMPTROLLER OF THE TREASURY.

[See page 535 of vol. II.]

No. CXVIII.

DEPOSITION OF CAPTAIN WILLIAM N. IRVINE.

Question.—Did you descend the Ohio and Mississippi rivers under the command of the late Captain George Peter?

Answer.—Yes.

Question.—Did the halt made by Captain Peter at Louisville, to take on board the private horses of General Wilkinson, involve a cent of expense or the least injury to the public?

Answer.—I believe not. There was no more expense than would have been incurred in floating the same length of time, and I know of no injury.

Question.—Was not a quantity of public clothing landed at the time of this halt at Louisville, by order of Captain Peter?

Answer.—The clothing was landed at Shipping's Port, immediately below Louisville.

Question.—Did you ever hold conversations with Captain Peter respecting General Wilkinson?

Answer.—Yes.

Question.—Be pleased to state what they were?

Answer.—About September or October, 1808, Captain Peter informed me that General Wilkinson had treated him in such a manner, that he did not think he could continue in service under his command: he said the General had deprived him of the command of Fort M'Henry, and given it to a junior officer, whilst he (Captain Peter) continued in the fort; he considered that the General's object was to wound his feelings. From the intimacy which existed between Captain Peter and myself, we have had many conversations respecting General Wilkinson, which I do not now recollect, and which can have no bearing on the present inquiry. About the time Captain Peter left the army, we conversed freely of the General: he said he considered the General an improper person to command that part of the army; spoke of some misapplication of public money; and said that he thought or could prove (I am not positive which of the expressions he used) that the army which marched on the Sabine expedition would have been given to the Spaniards, had it not been for Colonel Cushing.

Question.—When a positive order for a specific object shall be given, can a desire or request affect the force of such order?

Answer.—No.

Questions by the Committee.

Question.—Have you any further information in your knowledge or possession in relation to the subject matter of this inquiry or any branch of it?

Answer.—I know that horses, the property of General Wilkinson, were embarked on board the public boats or boat at the falls of Ohio, and I believe they were fed out of the public provender. I know nothing further.

Question.—Were the boats detained for the purpose of taking on board the horses of General Wilkinson, and how long?

Answer.—I cannot be positive whether the boats were detained for General Wilkinson's horses or not. Captain Peter was the commanding officer, and he alone knew of the necessity of halting or moving. I am, however, of opinion, that there might have been some little delay on account of the horses, but it could not have exceeded three or four hours on that account alone. Lieutenant Price joined us there to take command of Gano's company, I think by order of Colonel Russel, and that Captain Peter was ordered to wait for him.

W. N. IRVINE.

No. CXIX.

DEPOSITION OF COLONEL JAMES O'HARA.

Question.—Were you quarter-master general of the army, and during what period?

Answer.—I was quarter-master general from April, 1792, until 1796.

Question.—Was it not the invariable practice, during that period, for the public to pay the expense of transporting the commander in chief's furniture, baggage and stores?

Answer.—It was the invariable practice, during that period, for the public to transport the furniture, baggage and stores of the commander in chief with the army in all directions.

Question.—Do not situations frequently occur in the movement of armies, and particularly in unsettled countries, where it would be impossible for the commander in chief to avail himself of other than public transport?

Answer.—Answered by the 2d answer.

Question.—Was it not a constant practice during your administration as quarter-master general, for the public to find boats for the transport of military officers' horses down the Ohio?

Answer.—The public found boats on all public business, for transporting the military officers' horses down the Ohio river.

Question.—What would be the price per foot, of a boat to receive horses at this time, for the purpose of descending the river?

Answer.—Boats prepared for receiving horses for descending the river at this time, would cost two dollars per foot.

JAMES O'HARA.

No. CXX.

DEPOSITION OF A. D. ABRAHAMS.

Question.—Were you not late military agent at New Orleans?

Answer.—I was military agent in New Orleans, from November, 1806, until July, 1809.

Question.—Did not the late Captain George Peter arrive at New Orleans last spring before General Wilkinson, and did he not bring down with him a number of public horses, and several private ones known to be the property of the General?

Answer.—Captain Peter arrived at New Orleans, last spring, before the General, and did bring down a number of public horses, and several private ones, which he informed me belonged to the General.

Question.—To whom were these horses of the General delivered? And by whose order were they shod and fed by the public?

Answer.—I do not know to whom they were delivered, but the provender drawn for them after their removal to the quarters intended for the General was, on returns, signed by the commanding officer, and their shoeing was paid for by me under the orders of Colonel Parker.

Question.—Did not Colonel Parker, before the General's arrival, contemplate ordering a purchase of horses for the public service, and particularly for the pursuit of deserters?

Answer.—I do not recollect that Colonel Parker gave any order for the purchase of horses, but I well recolleet that, prior to the Colonel's arrival, Major William M'Rea and myself, finding much difficulty in procuring horses which

was daily required for pursuing deserters, &c. determined to purchase, and for a considerable time the Major, with myself, enquired in almost every part of the city for horses, and found that we could not purchase the most indifferent for less than from one hundred and fifty to one hundred and eighty dollars.

Question.—Did not General Wilkinson offer the use of his private horses to the public, on condition that they should be fed without expense to himself, and were they not for some time employed in this way?

Answer.—The General did offer the use of his horses to the public, and for some time they were sent for by my orders to perform such duty as the public service demanded.

Question.—Did you not apply to General Wilkinson to know whether he would sell any of his horses, and did he not refer you to F. Sandhagen, whom he had employed to keep and sell them? Did you purchase any of the said horses, how many, and at what prices?

Answer.—When the horses arrived at New Orleans, I enquired of Captain Pinkney if the General intended all of them for his own use, and stated to him that the public was much in want of horses, and if the General parted with any of them, I hoped he would spare me what number the public service required. Daily requisitions being made for horses which I could not obtain, but at an extravagant price, I made application to the General, after his arrival, for four, intended for a wagon, pursuing deserters and other public services. He referred me to Sandhagen. I accordingly selected such as I was of opinion would answer the services required, and for which I agreed to give the following prices, viz. one for one hundred and sixty-five dollars, two for one hundred and fifty each, and one for one hundred and thirty-five dollars.

Question.—In making purchases of every kind, were you not authorised by your instructions to exercise your discretion, independently of the General? and after you had purchased the first four horses, did you not voluntarily declare to him, that you considered them as cheap as any you had bought in the place?

Answer.—Agreeably to instructions received from the war department, purchases of all kinds were made on returns or orders signed by the commanding officer; the articles purchased were uniformly of the best kind, as no others would be received, and the purchases agreeably to my judgment were always made on the best terms. I do further state that I considered the four horses purchased by me of Sandhagen to be fully worth the amount paid for them, and more reasonable than any I could procure at that time in the city of New Orleans.

Question.—Did not Captain George Peter make demand for a number of horses for his artillery? What was the number? How and by whom were they purchased? What was the price given, and was not one of them purchased by the late Captain George Peter from Sandhagen?

Answer.—Captain Peter did require of me three horses for his artillery, and which were selected and the price agreed on by himself, and paid for by me. Two iron greys purchased of Moses V. Grant and William B. Todd, at three hundred dollars, and one bay horse of F. Sandhagen, known as the property of the General, price two hundred dollars.

Question.—Was not the public forage which General Wilkinson drew for the use of his horses, afterwards returned or accounted for to you by Lieutenant Gibson of the artillery?

Answer.—To the best of my recollection the General's returns calling for forage for his horses, were taken up by Lieutenant Gibson, the quarter-master; but it is not in my power to answer fully this interrogatory, as the returns relative to my accounts were transmitted by me to the war office.

Question.—Did not Colonel Smyth, of the rifle corps, and Captain Darrington of the 3d regiment, convey their horses by sea from Charleston to New Orleans, in the public transports, and at public expense?

Answer.—I did understand that three horses, two the property of Colonel Smyth, and one of Captain Darrington, were conveyed to New Orleans from Charleston, in a public transport, at whose expense I cannot say.

Question.—Did you not purchase a private horse from Colonel Smyth, and could you not have sold for $200 one of the horses purchased of Sandhagen, the property of General Wilkinson, for $150?

Answer.—I did purchase a horse of Colonel Smyth, for public service, and for which I paid him one hundred and fifty dollars, and I was compelled in the performance of public duty, a short time prior to my embarkation, to make use of one of the horses purchased of Sandhagen, the property of the General, for one hundred and thirty-five dollars, and for which horse I was frequently offered two hundred dollars.

A. D. ABRAHAMS.

[Sworn to, June 18, 1810, before Richard M. Stiles, a public notary for the city of Savannah.]

No. CXXI.

DEPOSITION OF CHARLES STEELE.

I, Charles Steele, thirty-eight years of age, born in Germantown, in the state of Pennsylvania, do depose and say, that I was messenger in the war department from February, 1799, to 180 , and during that time was particularly attached to the office of the accountant of the war department; that I had every opportunity to become acquainted with the character and conduct of William Simmons, and that the following circumstances came particularly within my knowledge, viz.: after the removal of the seat of government to the city of Washington, there was a stable with hay for the use of the officers of the war department, the key of which I kept in my possession, and was directed to lock the stable every day when the office was closed; every night William Simmons was in the habit of sending to me for the key of the stable, and would then send his black man with five horses, put them into the stable, and order him to fill the rack full of hay, and in the morning by daylight, or before sunrise, would have the horses taken out and the key sent back to me; this he was in the constant habit of doing until they discontinued putting hay in the stable. When I moved from the house in which I formerly lived, near Georgetown bridge, to a house which he had built for me near his own dwelling, I left at the house about a cord and a half of hickory wood, and about sixty bushels of coal, of public property, which I wished to take to the house which I was moving to; but he would not permit me, saying it must be left for the poor widow (meaning his mother). I will here observe, that my house rent, fi-

wood, coal and candles were found me by government, and this wood and coal was part of my year's allowance; for three or four weeks after this circumstance took place, he kept me without wood or coal, and I was obliged to go about the commons and pick up what wood I could find to keep my family from suffering. Mr. Simmons was in the habit every fall of purchasing for the department several hundred bushels of coal; he would also at the same time purchase coal for the use of his family, and by having two carts of his own employed in carrying coal, he would always contrive to have eighty or ninety bushels of the public coal carried to his house, by this means; when his carts were loaded with public coal and ordered to carry it to the war office, he would, unknown to those who loaded the carts, order it to be carried to his own house. The following circumstances respecting the private character and conduct of the said William Simmons were equally well known to me. There was a bullock in the habit of following the cows of the neighbours of Mr. Simmons, particularly Mr. Maul's, a messenger in the secretary of state's office, which attracted his attention, as he was in very fine order; Mr. Simmons, by frequently throwing hay to the bullock, enticed him to follow his own cows; one morning before breakfast as I was coming from the office, he sent to me to come to the stable, where I discovered the aforesaid bullock tied up, and Mr. Simmons's black man trying to knock him down with the hatchet, which at first he was not able to effect, and Mr. Simmons was constantly saying to the negro, "repeat you blows, you black son of a bitch, or I will knock your damned brains out;" the negro at length succeeded in knocking him down, and the bullock's throat was scarcely cut before he ordered his skin to be taken off and carried up in the loft for fear of discovery; he then directed the bullock to be immediately cut up and carried into the cellar. Mr. Simmons had a field, the fence of which was very much out of repair; by his (Simmons) order, his blacksmen went for several night to the field of Samuel Davidson and stole Mr. Davidson's rails and repaired his (Simmons) fence. While some carpenters were at work in the war department, Mr. Simmons stole from them a saw and took it to his own house. Mr. Simmons stole from Mr. Casley, plaisterer of Washington, several ducks, I think fourteen. Mr. Simmons was at one time seen, by myself, my wife, and a black woman that lived with me, coaxing a game cock into his yard by throwing corn to him, when he caught him, disfigured him by trimming him, and sent him down to his mother's. The black woman that lived with me went and informed the owner of the cock, whose name I think was Esler, who immediately went to the mother of Mr. Simmons, and took the cock away. This man was advised and would have sued Mr. Simmons for this theft, but from the fear, as he was a poor man and Simmons rich, that he would be led into expenses which he would not be able to defray. I will also mention one circumstance relative to his conduct while in Philadelphia, before the seat of government was removed to Washington city. There was a box of spermaceti candles for the use of the war office, and Mr. Simmons, whenever he had company, would order me to take three or four candles to his house. The foregoing facts came particularly within my observation, and to which I am willing to depose.

(Signed) CHS. STEELE.

[Sworn to, on the 23d July, 1811, before me, Daniel Rapine, a justice of the peace for the County of Washington.]

No. CXXII.

ACCOUNT OF EXPENDITURES OF COMMISSIONERS FOR HOLDING A TREATY WITH THE INDIANS.

By Indian department.

For the following expenditures made by the commissioners in forming a treaty with the Creek nation of Indians on the 16th June, 1802, and ratified by the President of the United States, 11th January, 1803, viz.

Goods and merchandise stipulated to be paid by said treaty—

Paid Jonathan Halsted, United States factor, for amount of his account for goods furnished out of the factory to the chiefs of the Creek nation, as part payment for the lands purchased of said nation, per treaty above quoted, per account No. 2. -	$3,496 83
Paid John Bigelow, for sundry goods and merchandise, procured at Augusta by order of the commissioners, as part payment for the lands purchased of the Creek nation, per treaty above quoted, per account No. 135. - - -	3,868 38
Expenses incident to forming the treaty, commissioners' table and other expenses, viz.	
For articles for the subsistence of themselves, their attendants and horses, per account of Alexander Macomb, their secretary, Abstract A. - - - - -	3,956 98
For articles of household and table furniture, culinary vessels, &c. &c. per ditto abstract - - -	445 15
For the purchase of provisions and supplies furnished, belonging to the factory, by Jonathan Halsted, United States' factor, for the use of the commissoners' table, and for the Indians attending the treaty at Fort Wilkinson, per abstract No. 4, and vouchers with Jonathan Halsted's account - -	5,942 35
For sundry articles furnished the commissioners and the chiefs of the Creek nation of Indians attending the treaty, out of the United States' factory, per abstract No. 1, and vouchers with Jonathan Halsted's account - - -	764 8
Expenditures made on account of the commissioners, exclusive of those for the purchase of provisions, and principally on orders of said commissioners, as per abstract No. 3, in Jonathan Halsted's account - - - -	1,620 15
For payments made by said Halsted, for incidental expenses in procuring provisions, &c. per his account	108.
For payments made by Alexander Macomb, jun. secretary to the commissioners, for transportation, pay of guides, expresses, cooks, and others, employed during the execution of the commission, and in assembling the Indians at the treaty, &c. per abstract B. - - -	665 46
Washing done for the commissioners and their secretary, per ditto abstract - - - -	163 72
Carried forward	$21,031 10

Brought forward		$21,031 10
Sundry payments made by A. Macomb, secretary, per voucher No. 2, to his account, to Samuel C. Hall, for expenses incident to the support of the commissioners' table, for which there are no specific vouchers, per ditto abstract - -		624 7
Payments made by ditto to Nathaniel Evans, and Lieutenant Walbach, for contingent expenses incident to the treaty, for which there are no specific vouchers, per ditto abstract -		41 75
Compensations of commissioners, their secretary and interpreters, together with their personal claims for travelling expenses and other expenditures, per abstract B, viz.		
Compensation of Benjamin Hawkins, one of the commissioners, from 23d July, 1801, to the 23d January, 1802, and from 25th April to 25th June, at 8 dollars per day - -		1,976
Ditto of Andrew Pickens as commissioner, from 25th April to 25th June, 1802, and 18 dollars travelling expenses -		506
Payments for expenses, and allowances for services of interpreters, attendants and travelling expenses of commissioners, per abstract B. - - - - -		662 90
By James Wilkinson, commissioner.		
For this sum paid him at Fort Wilkinson, on account of his compensation, for which he is accountable - -		2,000
July 10, 1804. By Jonathan Halsted.		
For this sum paid him on account of supplies furnished the Indian commissioners - - -		5,800
By Alexander Macomb, jun. secretary.		
For balance of this account to be accounted for by him -		556 24
		$33,198 6

Dept. of War, Accountant's Office, Nov. 20th, 1804.

To be entered under date April 5th, 1805.

WM. SIMMONS.

Treasury Dept. Register's Office, Jan. 17th, 1811.

I certify, that the foregoing is a true copy of the original on file in this office.

JOSEPH NOURSE, *Register.*

No. CXXIII.

ACCOUNT OF EXPENSE OF A TREATY WITH THE CHOCTAWS.

Indian Department. James Wilkinson.

For expenditures from the Occonee to the Choctaw nation, at a conference held with the said nation at Fort Confederation, and while passing through the same, from 30th August to 28th October, 1802, per voucher C. - - -		$ 606 51
Carried forward		606 51

Brought forward	606	51
For his compensation as commissioner to treat with the Choctaw Indians at Old Fort Confederation, from 19th July to 20th October, inclusive, at 8 dollars per day - - - -	752	
For amount of goods delivered by him to the Choctaw nation, for the purpose of carrying into effect the convention of Fort Confederation, as will appear from the receipts of the commissioners, attached to the ratification of the cession of land, recognised in the before-mentioned convention, in 1803, per account, No. 2. - - - - -	1,029	50
Amount	$2,388	1

Treasury Dept. Register's Office, Feb. 15, 1811.

I certify the foregoing to be a true extract from the treasury records.

JOSEPH NOURSE, *Register.*

No. CXXIV.

ACCOUNT OF EXPENSES OF TAKING POSSESSION OF LOUISIANA.

James Sterrett, Lieutenant and Paymaster.

For payments made the battalion of volunteer militia, of the Mississippi Territory, under the command of Captain A. Duncan, called into service to take possession of Louisiana, for the following periods, viz.		
1. M. Field and staff, for pay and forage from 21st Nov. 1803, to 3d Jan. 1804 - - - - -	$ 235	87
2. Capt. B. Farrar's troop, for pay from 19th Nov. to do. -	205	25
3. Capt. A. L. Duncan's company, do. from 21st do. to do. -	482	29
4. Captain L. Davis's do. do. do. do. -	439	75
5. Lieut. I. Howard's detachment, do. do. do. - -	452	23
6. Lieut. B. Abrahams's company, do. do. do. -	304	97
7. Lieut. Kerr's do. do. do. do. - -	219	43
8. Pay made the battalion for travelling allowance, -	1,221	30
9. Payments made the officers of the battalion from the 19th and 21st of November, 1802, to 3d January, 1804 - -	260	61
Governor William C. C. Claiborne.		
For payment made Major D. Wadsworth for his services as secretary to the commissioners, from 7th Dec. 1803, to 21st April, 1804 - - - - -	548	
Payments made for printing and stationary - -	98	90
Josiah Taylor, Lieut. and Assistant Military Agent.		
For this sum paid for the charter of the schooner Bilboa, and wages		
Carried forward	$4,468	60

Brought forward	$4,468 60
of the captain and men; for the purpose of transporting the militia and stores from Natchez and Fort Adams to New Orleans	1,854 18
For this sum paid for wood, straw, iron kettles and forage bags	234 87
For this sum paid for corn, corn fodder, hay, wood, &c. -	744 50
For ditto, for transportation of baggage - -	4 87
For amount of expenditures for table expenses, groceries, wood and other quarter-master's and commissary's stores, including wine, segars and sweetmeats, as per abstract C.	6,619 72
	$ 13,926 74

Treasury Department, Register's Office, Feb. 15th, 1811.

I certify the above to be a true extract from the treasury records.

JOSEPH NOURSE, *Register*

No. CXXV.

ACCOUNT OF EXPENSES OF TENNESSEE MILITIA.

For pay and expenses of a Tennessee regiment of mounted volunteer infantry, commanded by Colonel George Dougherty, to co-operate in taking possession of New Orleans - -	$67,553 46

Treasury Department, Register's Office, Feb. 5th, 1811.

I certify that the foregoing account of the pay and expenses of a regiment of mounted infantry, to co-operate in taking possession of New Orleans, is a true copy of the original on file in this office.

JOSEPH NOURSE, *Register.*

No. CXXVI.

PUBLIC ACCOUNT AGAINST GENERAL WILKINSON.

Amount of the statement of James Wilkinson's account as Brigadier-general on the books of this office, since the 16th March, 1802, which includes the advances made to him by the war department, and by the several agents, together with the several supplies received by him subsequent to that date, as far as accounts and information have been received at this office, exhibiting a balance due the United States, of - -	$7,891 03

(Signed) WILLIAM SIMMONS,

Accountant Dept. War.

No. CXXVII.

GENERAL WILKINSON TO THE HON. MR. BUTLER.

Washington, April 17th, 1810.

Sir.—After a voyage of five weeks from New Orleans, I landed at Baltimore, yesterday afternoon, where I first learned, that a committee had been appointed by the House of Representatives, to enter upon an enquiry, deeply interesting to my humble fortunes, and my good name; and since my arrival here this evening, I am informed you are the chairman of that committee.

To these circumstances, I must pray of you, to impute the present intrusion, and I will rely on your candour, and that of the committee, to pardon the solicitude, which the occasion excites. In a case so vitally important, to that which I hold most dear, I trust it will be no violation of propriety, for me to express to the committee, my earnest desire, to meet the proposed investigation, on any ground, compatible with the ordinary rules of justice; and for this I feel, that I possess a safe guarantee, in the impartiality and intelligence of those, whom I have the honour to address.

For a signal service rendered to our country, I am most signally persecuted, and to do away and for ever silence the foul aspersions, and the detraction of my persecutors, to assert my innocence and vindicate my character, I ask only the common right secured to all, by the charter of the land, that I may be heard before judgment shall be pronounced.

With great respect, I have the honour to be,
Sir, your obedient humble servant,
(Signed) JA. WILKINSON.

The Hon. General Butler, Congress.

No. CXXVIII.

GENERAL WILKINSON TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Washington, April 19th, 1810.

Sir.—After a tedious passage from New Orleans, I arrived at Baltimore on the 16th instant and reached this city the next day; my absence has been necessarily protracted, by the selection of papers from a mass of twenty years accumulation, for the establishment of facts to refute the multifarious and diversified calumnies, by which I have been assailed.

I now present myself to the representative body of the nation, and the guardians of the public weal and the protectors of individual rights, to express my earnest desire that they may institute some impartial tribunal, which may be governed with strictness, by the principles of the constitution and the laws of evidence, to investigate the conduct of my whole life, civil and military, whereby justice may be done, and my unexampled persecution terminated.

I aver my innocence of the foul offences, which are imputed to me, and declare my ability to support it, before any unprejudiced court. Through you, Sir, I appeal to my country, and I claim that right which is not refused to the

most profligate, the right of confronting my accusers. The representatives of the people, will not, I am persuaded, suffer a fellow-citizen, who has been devoted to the public service more than twenty-five years, and has nought left him but conscientious fidelity and attachment to his country, to sue in vain for justice.

The enclosed letter to the secretary of war, was written anterior to the receipt of my notification of recal, and will evince my desire for a full investigation.

I have the honour to be, with perfect respect,
Sir, your obedient servant,

(Signed) JA. WILKINSON.

The Hon. Speaker of the House of Representatives.

GENERAL WILKINSON TO THE SECRETARY OF WAR.

Columbian Springs, Oct. 18th, 1809.

Sir.—Having received information, that certain imputations have been alleged against me, which are calculated to affect my character, as a military officer, it is my earnest desire, that a court of enquiry, should be ordered to examine into my conduct, from the commencement of my military service, with injunctions to report an opinion. Or should my enemies, have been hardy enough, to prefer formal charges against me, which are deemed worthy of investigation, that an arrest may ensue, and a general court martial be appointed for my trial.

In making this request, I am moved by a consciousness of my integrity, by a sacred regard to my character, and the self-conviction, that I have served my country with my abilities, and that I have never disserved it; disclaiming, at the same time, all advantages to be derived, from any act or clause of limitation. But as this has been the theatre of my command, generally, for eleven years past, as my companions in service, and the evidences of my conduct, (many of whom have retired to the walks of private life) are now in this country, it will be impossible for me, to command at any distant point, the testimony necessary to rebut the fictions, or falsehoods of my enemies, or to illustrate my humble service, as a public officer; I, therefore, hope the request may not be deemed an unreasonable one, that the enquiry or court martial, should be held at some military post, within this territory, the more particularly as the main body of the army is here, and a suitable court can be formed, with more convenience, to the individuals who may compose it, and with less expense to the public.

A general officer, to relieve me from command, and to preside at the enquiry, will be the only person necessary to be ordered out, and under the circumstances, I flatter myself, no gentleman in commission, will deem this duty a hardship.

With perfect respect, I am, Sir, &c.

(Signed) JA. WILKINSON.

The Secretary of War.

No. CXXIX.

GENERAL WILKINSON TO THE SECRETARY OF WAR.

Washington, June 24th, 1810.

Sir.—I have put off to this day my request for the court of enquiry, which I had the honour to propose to you soon after my arrival here, in expectation of the arrival of Lieutenant-colonel Pike, who is, as I have, heretofore, mentioned to you, a material witness; but understanding that he is not expected, and also that it is probable you may leave the city in a few weeks, I cannot longer delay the application, consistently with the duty I owe to my character.

I therefore must request that a court martial may be appointed and assembled at this place on the 1st August, to examine and report an opinion on the following charges, which I am informed have been alleged against me, viz.:

That by my order, a military detachment under the command of the late Captain George Peter, was halted on the Ohio river, to receive a number of horses, my private property, whereby the detachment was detained several days at considerable expense to the United States; that a boat worth at least $100, was provided for the reception of these horses; that they were transported to New Orleans, and there maintained at the public expense; and that five of them were afterwards sold to the public at extravagant prices, as the property of Frederick Sandhagen, who was my servant.

That I caused the military agent at Pittsburgh, Captain Moses Hook, in the year 1805, to pay out of the public monies, the transport of the private property of the late Captain M'Clellan of the army, from Baltimore to that place; that I caused, also, a boat to be purchased at the same time for the transport of said property; and that the said military agent, Captain Moses Hook, did under my orders purchase and equip at the same period, a boat for the accommodation of myself and family to New Orleans, at an expense of $199 65.

That in violation of the embargo, and on private speculation, I shipped fifty barrels of flour and twelve barrels of apples, on board a public transport from Baltimore to Charleston, and from thence for New Orleans on board the Brig Hornet.

That I took the position at Terre aux Bœufs on the Mississippi, for the encampment of the troops under my command, contrary to my orders, and with views to a private speculation; and that I improved the said place for cultivation by the labour of the troops, to the destruction of their health and lives; and that by neglects and omissions of duty, whilst in command on the Mississippi last season, I became instrumental to the great mortality in the corps under my immediate command.

A list of the witnesses whom I shall require is enclosed, and I will thank you, in aid of my own authority, to direct their punctual attendance, with such persons as may be deemed necessary to sustain the charges against me, and amongst these I would include for their own honour, Lieutenant-colonel Backus, Major Darrington, William Simmons, and the late Captain George Peter.

I ask an unprejudiced tribunal, and hope it may consist of officers who have served during the revolution.

I have the honour to be, very respectfully,

JA. WILKINSON.

The Hon. William Eustis, Secretary of War.

APPENDIX.

SECRETARY OF WAR TO GENERAL WILKINSON.

War Department, June 28th, 1810.

Sir.—Your letter of the 24th instant, requesting that a court of enquiry may be appointed to examine into and report an opinion upon certain charges which you understand have been alleged against you, has been laid before the President of the United States, and I am instructed to inform you, that while the President is disposed to afford every opportunity for the proper vindication of your conduct, *the state and circumstances under which the subject presents itself, are deemed such as render it ineligible to give effect to your request.*

I am respectfully, Sir,

Your obedient servant,

W. EUSTIS.

Brigadier-general James Wilkinson.

No. CXXX.

LETTER FROM E. BACON TO GEN. WILKINSON, AND REPLY.

(No. 1.)

Committee Room, December 22, 1810.

Sir.—I am directed by the committee appointed in pursuance of the accompanying resolutions of the House of Representatives, to give you notice, that the committee will meet on Monday next, at half past 10 o'clock, A. M. at the room designated as "the President's chamber," on the lower floor of the south wing of the Capitol, adjoining the clerk's office, for the purpose of proceeding on the objects of their appointment.

I am, Sir, your obedient servant,

E. BACON.

General James Wilkinson.

(No. 2.)

Washington, December 23, 1810.

General Wilkinson has had the honour to receive the notification of the honourable Mr. Bacon, to attend the Committee of the House of Representatives of which he is chairman; and as he is incapable of offering disrespect to such high authority, he will give punctual attendance at the hour assigned; but claiming all the rights of an innocent man and a free citizen, General Wilkinson is advised that he owes it to himself and to posterity to declare, that he does not, by this prompt obedience to the notification of the committee, mean to concede, that they possess the constitutional right, to enquire into his conduct as a military officer, or to test the purity of his actions, upon general charges; at the same time General Wilkinson begs leave most respectfully to state to the honourable committee, that he can fear no investigation of the conduct of a

life, which has been devoted to his country, and that he confidently relies, on the candour and impartiality of his judges, for every indulgence essential to a fair inquiry and the vindication of innocence.

Honourable Mr. Bacon.

No. CXXXI.

GENERAL WILKINSON'S CORRESPONDENCE WITH THE SECRETARY OF WAR.

(*No. 2.*)

Washington, May 15, 1811.

Sir.—With grest deference and respect, I beg leave to submit to you a few observations, the result of the conversation with which you yesterday indulged me.

Feeling as I do, the strongest disposition to promote the desires of the President, and to vindicate my aspersed character, I cannot hesitate a moment to express my readiness to submit my conduct in command on the Mississippi, in the year 1809, to the judgment of a general court martial; but as an arrest will infallibly carry with it the presumption of guilt, I owe it to myself, in this place, to plead my innocence, and solemnly to aver, that in every instance of the public trust, I have done and more than done my duty, and it is to this cause my persecutions may be ascribed.

But while I court the ordeal, which is to consecrate my honour, I should abandon the character I emulate, and deny the feelings of my breast, did I fail to express my mortification at being brought into conflict with the executive of my country, because of the inequality of the contest, and the proud exultation it will furnish my enemies and those of the nation.

In a case where I have waived the privileges of my rank, and the immunities secured to me by law and by custom immemorial, to accommodate the views of the executive, I trust I may, with propriety, offer to your consideration, such precautions as appear to me essential, to a fair and unbiassed trial.

I therefore propose, that the court should be composed of thirteen members taken by seniority from the officers at Pittsburgh and east of the Alleghany mountains, subject to the ordinary exceptions; that this court be convened at Fort M'Henry as speedily as possible, and there hold their sessions; that the testimony collected by the committee of Congress, which apply to the case, and such as may be presented by my accuser, be received by the court at its value; and I trust, after all my persecutions, privations and sufferings, and the disgrace in which I have been held for more than a year, it will not be deemed unreasonable when I request, that my sword, which I have worn with honour more than twenty-five years, may not be taken from me before the court is convened.

I should prefer being tried in the vicinity of New Orleans, could a court be formed there, because it would restore me sooner to a suffering family, provided Brigadier-general Hampton could be removed to a different department. I make this stipulation from motives whose force and propriety cannot be questioned, and which I forbear to mention from considerations of delicacy.

Annexed, you have a list of the field officers who may be conveniently assembled at Fort M'Henry, and also of those on the Mississippi, who were not with the troops at Camp Terre au Bœuf.

Respectfully, I have the honour to be,
Sir, your obedient servant,
(Signed) JA. WILKINSON.

Hon. William Eustis, Secretary of War.

(*No.* 3.)

Washington, May 17, 1811.

Sir.—In transmitting to you yesterday a list of officers, I omitted Lieutenant-colonel Thomas A. Smith, of the rifle corps, who is, I understand, at the St. Mary's. Lieutenant-colonel John Smith, of the 3d regiment, to whom I alluded, commands in South Carolina. This will give two supernumeraries to the court.

All I have now to ask is, that the court may be convened at Fort M'Henry, with the least possible delay. I name this place from considerations of delicacy to the executive; because as I am to be prosecuted by his order, should a tribunal, composed of his dependants, hold their deliberations immediately under his eye, the invidious, who do not understand the principles and motives of his conduct in this case, may misinterpret them, and cast censures where none are due.

I conjure you, Sir, and, through you, the President of the United States, by the principles of honour, by the obligations of justice, by the feelings of humanity, by the regard due to domestic repose and unoffending innocence, which every man of virtue must acknowledge and venerate, that the convention and proceedings of the court may be accelerated by every consistent and practicable means.

Respectfully, I have the honour to be,
Sir, your obedient servant,
(Signed) JA. WILKINSON.

N. B. For my testimony and defence, I shall not require more than six days.

The Hon. William Eustis, Secretary of War.

(*No.* 4.)

Sir.—I received the last evening and have read the papers transmitted by the clerk of the House. The evidence proper to be adduced, is not contained in these papers, nor can it, in my opinion, be adduced properly or without great delay, at any place other than New Orleans or the vicinity of the troops on the Mississippi. I embrace the earliest moment to give you this information, and am very respectfully

Your obedient servant,
(Signed) W. EUSTIS.

Thursday morning, 21st May.

General Wilkinson.

(No. 5.)

Washington, May 21*st*, 1811.

Sir.—In answer to your note of the day, I beg leave to observe that you may not have seen the most important testimony rendered to the committee of enquiry to effect my crimination, as it was delivered by Colonel Parker, Major Backus and Captain Darrington, and is comprehended in the printed report of the last year, which the assistant clerk, Mr. Hamilton, informed me, he had omitted to send you yesterday, but intended this day to furnish you.

When you have perused these documents, I shall be happy to hear from you; in the mean time, permit me to remark, that if difficulties attend a trial here, those equally difficult will apply to a trial on the Mississippi; because I do conceive a plurality of the officers, who served at Terre au Bœuf, are now within the Atlantic states, and that to form a court whose decision might satisfy the public mind and justify the conduct of the President, the expediency of which I cannot admit, distant transfers will be found expedient, and much delay will necessarily ensue.

Nor can I at present perceive the necessity of any resort to the Mississippi, on the part of the prosecution, however advantageous it might be to myself; as the testimony reported by the committee the last year was *ex parte* and manifestly prejudiced, and as I shall have no hesitation to admit any statements you may think proper to offer to the court, to be received for their worth, and liable to be repelled by such evidence as I may produce.

To a fair and honourable trial on the Mississippi, under the exceptions of my letter of the 15th inst., and the mode of proceeding to which you signified your accord in our conversation on the 18th, I can have but one exception; it is, that I should be rendered liable, by the distance of place and a thousand casualties which may intervene, between the commencement and the conclusion of the enquiry, to be hung up a year longer as a subject of contumely and an object of disgrace.

To be explicit, my greatest anxiety is to meet my fate, as suspense has become more painful to me than any certainty which can take place.

With much respect, I am Sir,
Your obedient servant,

(Signed) JA. WILKINSON.

The Hon. W. Eustis, Secretary of War.

(No. 6.)

Washington, May 23*d*, 1811.

Sir.—At our last interview on the 18th inst., I understood that the President had not seen the proceedings of the committee of enquiry, on the subject of my command on the Mississippi in 1809; and, therefore, I must request the favour of you to submit them to his consideration, as they certainly comprehend *unanswerable proofs* of the *integrity* of my command, to which the *daily records* of the *army* would give *tenfold strength*; but *these* and *many* other *testimonies* of *equal*

import, the committee *rejected*, on the *ground* that they were not *prosecuting me*, although every step *betrayed that tendency*.

With much respect, I am Sir,

Your obedient servant,

The Hon. W. Eustis, Secretary of War.

No. CXXXII.

SECRETARY OF WAR TO GENERAL WILKINSON.

War Department, June 1, 1811.

Sir.—I am instructed by the President to inform you that the documents accompanying the Report of a Committee of the House of Representatives, transferred to him by their resolution of the 26th February last, have been taken into his consideration, together with the Reports of two Committees of the House on the subject of the mortality of the troops on the Mississippi, in the year 1809; that under the circumstances in which the several cases now present themselves, the course deemed most proper to be pursued, and most likely to be satisfactory, at the same time that it will afford you the most full opportunity of doing justice to your own honour and character, will be a reference of the whole to a military tribunal.

A general court martial, composed of as large a number of officers, and of as high rank as the law and circumstances will allow, will accordingly be ordered to assemble at a suitable place, with as little delay as possible.

To this tribunal will be submitted such testimony as is possessed by the executive, to which may, of course, be added such other evidence as may be proproper to be adduced.

As the great extent of the documents received by the executive and the nature of his other engagements, have unavoidably protracted the decision which is now communicated; a strong inducement is excited to avoid every unnecessary delay in bringing the business in its due course to a conclusion.

I am very respectfully, Sir, your most obedient servant,

W. EUSTIS.

Brigadier general Wilkinson.

END OF VOL. II.